

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**  
Fort Worth Division

---

UNITED STATES OF AMERICA

Plaintiff,

v.

THE BOEING COMPANY

Defendant.

---

)  
)  
)  
)  
) 4:21-cr-00005-O  
)  
)  
)  
)  
)

**GOVERNMENT’S CONSOLIDATED REPLY IN SUPPORT OF ITS RULE 48(a)  
MOTION TO DISMISS THE INFORMATION AND RESPONSE IN OPPOSITION TO  
MOTION FOR APPOINTMENT OF A SPECIAL PROSECUTOR**

LORINDA I. LARYEA  
Acting Chief  
Fraud Section, Criminal Division  
United States Department of Justice

NANCY E. LARSON  
Acting United States Attorney  
Northern District of Texas

By: s/ Sean P. Tonolli  
Sean P. Tonolli  
Acting Principal Deputy Chief  
D.C. Bar No. 503346  
sean.tonolli@usdoj.gov

By: s/ Chad E. Meacham  
Chad E. Meacham  
Assistant United States Attorney  
Texas Bar No. 00784584  
chad.meacham@usdoj.gov

United States Department of Justice  
Criminal Division, Fraud Section  
1400 New York Avenue, N.W.  
Washington, D.C. 20005  
202-514-2000

United States Attorney’s Office  
Northern District of Texas  
801 Cherry Street, 17th Floor  
Fort Worth, TX 76102  
817-252-5200

## TABLE OF CONTENTS

I. INTRODUCTION.....	1
II. FACTUAL BACKGROUND.....	3
III. ARGUMENT .....	5
A. The Court Should Dismiss the Information Without Prejudice .....	5
1. The Government Has Moved to Dismiss Based on Its Good-Faith Belief That Dismissal Best Serves the Public Interest .....	5
2. The NPA’s No-Further-Prosecution Clause Is Necessary and Appropriate.....	7
3. The Statute of Limitations Has Not Run and Does Not Bar a Further Prosecution .....	9
4. The Court’s Rejection of the Monitor Provision Is Not Law of the Case.....	12
5. The Penalty Is Based on the Government’s Assessment of the Facts and the Law .....	13
6. The Compensation Fund Is Fair, Appropriate, and Guaranteed .....	15
7. The Government’s Assessment of Litigation Risk Is Not Pretextual .....	17
B. This Court Should Not Appoint a Special Prosecutor .....	19
1. The CVRA Does Not Allow Crime Victims to Move for a Special Prosecutor.....	19
2. Appointing a Special Prosecutor Would Violate the Constitutional Separation of Powers.....	22
IV. CONCLUSION .....	25

## TABLE OF AUTHORITIES

### Cases

<i>Auffmordt v. Hedden</i> , 137 U.S. 310 (1890).....	25
<i>In re Dean</i> , 527 F.3d 391 (5th Cir. 2008).....	9
<i>In re Ryan</i> , 88 F.4th 614 (5th Cir. 2023) .....	passim
<i>In re United States</i> , 345 F.3d 450 (7th Cir. 2003) .....	8, 23
<i>In re Wild</i> , 994 F.3d 1244 (11th Cir. 2021) .....	20, 21
<i>ITT Community Dev. Corp. v. Barton</i> , 569 F.2d 1351 (5th Cir. 1978).....	24
<i>Morrison v. Olson</i> , 487 U.S. 654 (1988).....	22, 23
<i>Murthy v. Missouri</i> , 603 U.S. 43 (2024) .....	21
<i>Powell v. United States</i> , 352 F.2d 705 (D.C. Cir. 1965) .....	10
<i>Trump v. United States</i> , 603 U.S. 593 (2024) .....	23, 25
<i>United States v. Adams</i> , 24-cr-556 (DEH), 2025 WL 978572 (S.D.N.Y. Apr. 2, 2025) .....	8, 23
<i>United States v. Arky</i> , 938 F.2d 579 (5th Cir. 1991).....	11
<i>United States v. Cowan</i> , 396 F. Supp. 803 (N.D. Tex. 1974).....	24
<i>United States v. Cowan</i> , 524 F.2d 504 (5th Cir. 1975).....	6, 7, 8, 24
<i>United States v. Cox</i> , 342 F.2d 167 (5th Cir. 1965).....	21, 23
<i>United States v. Davis</i> , 285 F.3d 378 (5th Cir. 2002).....	20, 22, 24
<i>United States v. Davis</i> , 533 F.2d 921 (5th Cir. 1976).....	10
<i>United States v. Donziger</i> , 38 F.4th 290 (2d Cir. 2022).....	25
<i>United States v. Germaine</i> , 99 U.S. 508 (1879).....	25
<i>United States v. Hamm</i> , 659 F.2d 624 (5th Cir. Unit A 1981).....	3, 5, 8
<i>United States v. Manges</i> , 110 F.3d 1162 (5th Cir. 1997).....	10
<i>United States v. Nixon</i> , 418 U.S. 683 (1974) .....	22
<i>United States v. Providence Journal Co.</i> , 485 U.S. 693 (1988).....	23

<i>United States v. Reyes</i> , 945 F.2d 862 (5th Cir. 1991).....	25
<i>United States v. Rubin</i> , 558 F. Supp. 2d 411 (E.D.N.Y. 2008).....	20
<i>United States v. Salinas</i> , 693 F.2d 348 (5th Cir. 1982) .....	6
<i>United States v. Schmick</i> , 904 F.2d 936 (5th Cir. 1990).....	10
<i>United States v. Spector</i> , 55 F.3d 22 (1st Cir. 1995) .....	11
<i>United States v. Webster</i> , 127 F.4th 318 (11th Cir. 2025) .....	10
<i>United States v. Welborn</i> , 849 F.2d 980 (5th Cir. 1988).....	5
<i>Wayte v. United States</i> , 470 U.S. 598 (1985) .....	22
<i>Young v. United States ex rel. Vuitton et Fils S.A.</i> , 481 U.S. 787 (1987) .....	22, 23

## **Statutes**

18 U.S.C. § 3282.....	11
18 U.S.C. § 3282(a) .....	10
18 U.S.C. § 3571(d) .....	14
18 U.S.C. § 3663A(c)(3)(B) .....	17
18 U.S.C. § 371.....	10, 11, 14
18 U.S.C. § 3771.....	8
18 U.S.C. § 3771 (d)(1) .....	20
18 U.S.C. § 3771(a) .....	20, 21
18 U.S.C. § 3771(d)(3) .....	20, 21
18 U.S.C. § 3771(d)(6) .....	6, 20, 21
28 U.S.C. § 1651(a) .....	24
31 U.S.C. § 3730.....	25

## **Constitutional Provisions**

U.S. Const. art. II, § 1 .....	22
U.S. Const. art. II, § 3 .....	22



**Other Authorities**

May 30, 2024 FAA Press Release, *FAA Continues to Hold Boeing Accountable for Implementing Safety and Production Quality Fixes*, available at <https://www.faa.gov/newsroom/faa-continues-hold-boeing-accountable-implementing-safety-and-production-quality-fixes>..... 12

**Rules**

Fed. R. Crim. P. 11(c)(1)(C)..... 13

Fed. R. Crim. P. 48(a) ..... passim

## I. INTRODUCTION

The United States of America (the “Government” or the “Department”) respectfully submits this consolidated reply in support of its motion to dismiss the pending Information without prejudice and in opposition to the motion for appointment of a special prosecutor.<sup>1</sup> The families who filed the latter motion, represented by Mr. Singh, have joined the arguments of the families represented by Mr. Cassell in opposition to the Government’s motion to dismiss.<sup>2</sup> Another family joins both sets of arguments.<sup>3</sup> Together, these filings represent the views of families of 29 crash victims (the “Objecting Families”).<sup>4</sup> Separately, Mr. Vuckovich has filed a response on behalf of 66 families that is not opposed to dismissal but asks the Court to require Defendant The Boeing Company (“Boeing” or the “Company”) to pay an additional amount of compensation to certain families of the crash victims of Lion Air Flight 610 (ECF No. 319).<sup>5</sup> Finally, other families have also provided views to the Government in writing—from full support for the non-prosecution agreement (“NPA” or “Agreement”) and dismissal, to total opposition—which are attached as exhibits to this filing and are in addition to those previously submitted to the Court.<sup>6</sup>

---

<sup>1</sup> Motion for Appointment of Special Prosecutor, ECF No. 321 (“Singh Br.”).

<sup>2</sup> Objection and Memorandum of Recognized Crime Victims’ Representatives Naoise Connolly Ryan, et al. Requesting that the Court Deny the Government’s Motion to Dismiss, ECF No. 318 (“Cassell Br.”); Singh Br. at 4.

<sup>3</sup> Amended Notice of Joinder By Manfredi Family Members, ECF No. 323.

<sup>4</sup> Mr. Cassell represents 13 families, Mr. Singh 15 families, and Mr. Marchino one family. *See* ECF No. 328 (notifying the Court that two of Mr. Cassell’s now former clients have withdrawn their support for the opposition to the motion to dismiss). Mr. Cassell states that “[m]any other family members also support” the position of his remaining clients, but does not identify or quantify them. Cassell Br. at 1 n.1.

<sup>5</sup> Certain Crime Victims’ Response to Rule 48(a) Motion to Dismiss Criminal Charges Against the Boeing Company Without Prejudice, ECF No. 319 (“Vuckovich Br.”).

<sup>6</sup> *See generally* Exhibit 2 (compilation of written submissions from families the Government received between May 23, 2025, and the present). The Government has redacted the names of those families who did not affirmatively agree for their names to be included on the public docket.

The families continue to express a wide range of views, reflecting the complexity and sensitivities of this case. Many families who support or do not oppose the Government's decision have offered thoughtful, heartfelt reasons for doing so.<sup>7</sup> As do the Objecting Families, who have reiterated many of the same objections they raised about the proposed plea agreement (and before that, the deferred prosecution agreement), but who focus most of their criticism on what they call the "no-further-prosecution" provision of the Agreement.<sup>8</sup> That clause reflects the essence of the agreement: the Government's decision not to prosecute Boeing in exchange for the Company paying and investing more than \$1.1 billion in penalties, victim compensation, and compliance, safety, and quality improvements; enhancing its anti-fraud compliance program; retaining an independent compliance consultant; and arranging a face-to-face meeting between its Board of Directors and the families. The Objecting Families take issue with the Government making the considered judgment not to prosecute before the Court ruled on the pending motion to dismiss.

Unlike in the guilty plea context, the Government did not need court approval to make the decision to end the prosecution and enter into the NPA; the Constitution reserves to the Executive Branch the power to decide whether to bring or maintain a prosecution. That core function is distinct from the Court's limited role under Rule 48(a), which is not to compel the Government to

---

<sup>7</sup> *E.g., id.* at 3 ("... I agree and support the Department of Justice's motion. In my opinion, it is better for this case to be resolved immediately without having to wait too long. The longer this case goes on, the longer our suffering will be remembering the loss of a loved one. My children are still small (currently 10 and 6 years old), I have to raise them without a father's role beside them. What I want is for them to get a guarantee of a good, sufficient, and happy future. So I hope that Boeing Company can provide a guarantee to me and my children by providing full compensation or the maximum fine that we can accept. It is hard for me to let go of this case, I want Boeing Company to get the punishment that is appropriate for this case, but I also want the best for me and my children. Let us try to open a new page without having to continue trauma considering every notification about the case that is currently underway in the American court.").

<sup>8</sup> Cassell Br. at 6-21; May 29, 2025 Non-Prosecution Agreement between Government and Boeing ("NPA"), ECF No. 312-1, at 10-11, ¶ 22.

proceed with a prosecution but rather to assess whether dismissal of a charging instrument is being sought in bad faith, as opposed to being sought based on the Government's weighing of the public interest. And even if the NPA's no-further-prosecution clause could raise concerns where the Government has acted in bad faith and a court denies a Rule 48(a) motion to dismiss, those concerns are illusory here because the Government has articulated its good-faith view.

The Government has explained its rationale for dismissal in a sworn declaration and supporting briefing. Nothing in the Objecting Families' filings shows any improper motive—let alone the kind of bad faith that would warrant denying dismissal, such as bribery or animus toward victims. *See United States v. Hamm*, 659 F.2d 624, 628-29 (5th Cir. Unit A 1981) (en banc). Instead, the Objecting Families ask the Court to displace the Department's judgment on a host of issues, including litigation risk, the benefits of a public trial, the necessity of a monitorship, and whether guaranteed compensation is a fair and effective substitute for the uncertain and prolonged restitution process. That is not how Rule 48(a) works. No appellate court has endorsed the approach they advocate—and certainly none has upheld the denial of a consent motion to dismiss on such grounds. Their further request for the Court to appoint a special prosecutor, whether now or at a later date, is even more untethered from law and precedent.

The Court should dismiss the Information without prejudice.<sup>9</sup>

## II. FACTUAL BACKGROUND

The Government accurately described for the families attending the May 16, 2025 conferral what a non-prosecution agreement is and did not suggest that the Government required the Court's

---

<sup>9</sup> Mr. Keyter also filed a motion to deny the motion to dismiss. ECF No. 327. The Government respectfully requests that the Court enter an order similar to its order disposing of the first motion he filed in this matter. ECF No. 192.

approval before deciding to not further prosecute Boeing and enter into the Agreement. The transcript of the conferral confirms this. For example, the Government stated:

As we discussed before [during the May 31, 2024 conferral]<sup>10</sup>, an NPA is an agreement between the Department and a defendant that imposes obligations on both parties. Specifically in exchange for the Department not prosecuting the defendant, the defendant agrees to various undertakings, such as paying a penalty, improving compliance, etc.

And if the Department feels that the defendant fails to do all of those things, the Department can proceed to charge the defendant. In other words, an NPA is similar to a DPA, with the difference being that, during a DPA, there is a charge pending in court, while under...excuse me...while under an NPA, there is a no charge pending during the duration of the agreement.

So if the Department entered an NPA with Boeing, that would require the Department to move to dismiss the charge pending against Boeing, on the condition that Boeing satisfy all the conditions of the NPA, and if it did not, the Department could refile the charge and prosecute the case, notwithstanding the passage of time.

To be able to refile the charge, the Department's motion to dismiss would have to ask the court to dismiss the case without prejudice.

That is a legal term, meaning that the Department would not be prohibited from later refiling the charge. The court would consider the motion and could grant it and dismiss without prejudice or it could decide instead to dismiss with prejudice, meaning the Department could never refile a charge, or to deny the motion.

We know that if the Department were to decide to do an NPA, many of you would likely oppose an accompanying motion to dismiss. Your lawyers can talk to you about the legal authority a judge has to deny the government's motion to dismiss when the defendant is consenting, as we believe Boeing would do here.<sup>11</sup>

The Government's decision not to prosecute Boeing further and to enter into the NPA was considered and approved by senior Department leadership. The final approval was not provided

---

<sup>10</sup> Declaration of Sean P. Tonolli, ECF No. 245-1 (Aug. 14, 2024) ("Gov't Plea Decl."), at 16-17, ¶ 38 (stating that during the May 31, 2024 conferral, the Government explained "the options available to the Government now that it had found Boeing in breach of the DPA, namely: declining to prosecute; extending the DPA term by up to one year pursuant to Paragraph 3 of the DPA; entering into a new agreement with Boeing short of a plea agreement, i.e., a *non-prosecution agreement* or a DPA; or prosecuting Boeing") (emphasis added); *see also* June 4, 2024 P. Cassell letter to Government, ECF No. 245-22, at 3 (responding to the option, among others, of the Government "enter[ing] into a new NPA or new DPA with Boeing").

<sup>11</sup> Transcript of May 16, 2025 Conferral, Exhibit 5 to Cassell Br., at 105-06.

until after the May 16th conferral and the Government received and considered the follow-up written submissions from the families received by May 22, 2025.<sup>12</sup>

Boeing has timely established and fully funded the two escrow accounts required by the NPA: an account with the \$444.5 million Crash-Victim Beneficiaries Compensation Amount, and another account with the \$243.6 million criminal monetary penalty.<sup>13</sup>

### III. ARGUMENT

#### A. The Court Should Dismiss the Information Without Prejudice

##### 1. The Government Has Moved to Dismiss Based on Its Good-Faith Belief That Dismissal Best Serves the Public Interest

The Objecting Families mischaracterize the Rule 48(a) standard for assessing a consent motion to dismiss. They urge the Court to deny the motion by repeatedly invoking the term “public interest” as a license for the Court to substitute their preferences for the Government’s considered judgment of whether to proceed with the prosecution. The Fifth Circuit has made clear, however, that a district court may deny a consent Rule 48(a) motion only if the Government acts in bad faith—meaning that a prosecutor moves to dismiss based on impermissible motives such as bribery, personal animus, or some other capricious reason instead of based on his informed weighing of the public interest. *Hamm*, 659 F.2d at 630; *see also United States v. Welborn*, 849 F.2d 980, 983-84 (5th Cir. 1988) (noting that courts must presume that the Government moves to dismiss in good faith absent evidence to the contrary).

After carefully weighing the facts and the law, the litigation risks, and the public interest—informed by conferrals with the Families over the course of many hours and review of follow-up written submissions—the Government made the decision not to prosecute Boeing in exchange for

---

<sup>12</sup> Exhibit 1, Declaration of Sean P. Tonolli (“Suppl. Gov’t NPA Decl.”), at 2, ¶ 3.

<sup>13</sup> *Id.* at 2-3, ¶ 6; NPA at 6-7, ¶¶ 11-12.

an agreement that secures a significant fine, compliance improvements, and a substantial victim compensation fund. That is precisely the type of good-faith, considered judgment the Constitution entrusts to the Executive Branch.

The Objecting Families make no bad-faith showing or even acknowledge the guideposts that the Fifth Circuit set forth in *Hamm* to assess bad faith.<sup>14</sup> Their submission does not allege, let alone substantiate, any improper motive on the part of the Department. *United States v. Salinas*, 693 F.2d 348, 352 (5th Cir. 1982) (“Although the burden of proof is not on the prosecutor to prove that dismissal is in the public interest, the prosecutor is under an obligation to supply sufficient reasons—reasons that constitute more than a mere conclusory interest [supporting dismissal].”) (quotation omitted). Instead, they take issue with the Department’s judgment in agreeing not to prosecute Boeing and the terms of the NPA. But “[i]t is a bedrock principle of our system of government that the decision to prosecute is made, not by judges or crime victims, but by officials in the [E]xecutive [B]ranch.” *In re Ryan*, 88 F.4th 614, 621 (5th Cir. 2023); *see* 18 U.S.C. § 3771(d)(6) (“Nothing in [the CVRA] shall be construed to impair the prosecutorial discretion of the [Department of Justice].”). Accordingly, no appellate court has adopted the view of Rule 48(a) that the Objecting Families urge; indeed, no such court has ever upheld the denial of a Government motion to dismiss under Rule 48(a) not contested by the defendant. *See United States v. Cowan*, 524 F.2d 504, 511-12 (5th Cir. 1975) (reversing district court denial of Rule 48(a) motion).<sup>15</sup>

---

<sup>14</sup> The Objecting Families do provide background on Rule 48(a)’s departure from the common law and the Fifth Circuit’s divergence from some other circuits when interpreting the rule. Cassell Br. at 3-9. The Government has preserved its objection to the Fifth Circuit’s current Rule 48(a) standard, but it explains why, even under the Fifth Circuit’s case law, dismissal is warranted here.

<sup>15</sup> *Id.* at 14, 16 (citing the reversed district court decision in *Cowan*).

Because the Objecting Families make no bad-faith showing, the Court's analysis should end there and it need not address their remaining arguments. Nevertheless, the Department will address their other arguments in turn, none of which withstands scrutiny.

2. The NPA's No-Further-Prosecution Clause Is Necessary and Appropriate

Paragraph 22 of the NPA, which the Objecting Families call the “no-further-prosecution” clause, is necessary and appropriate. Necessary, because the clause embodies the bargain—the Department's good-faith, considered decision not to further prosecute Boeing in exchange for the obligations the Company has agreed to undertake. Appropriate, because the Constitution vests the Executive Branch with the authority to decide whether to proceed with a prosecution.

The Objecting Families' key objection to the no-further-prosecution clause is circular and illusory and calls on this Court to render an advisory opinion. In their telling, that clause is troubling and even avoidable because it prevents the Government from prosecuting further should the Court deny the pending Rule 48(a) motion to dismiss. But this framing urges a conflict that should never come to pass. The Government has given its good-faith reasons for moving to dismiss; the Objecting Families have failed to show that the Government is in fact seeking dismissal in bad faith; and this Court therefore should grant the Rule 48(a) motion to dismiss. Given that sequencing of events, there is nothing nefarious about the NPA's no-further-prosecution clause that shows the bad faith needed for this Court to deny the motion to dismiss. Certainly, this Court lacks the authority to void that provision. *See In re Ryan*, 88 F.4th at 621-22 (affirming that “courts lack authority to exercise substantive review over DPAs”); *id.* at 625 (signaling that courts have even less authority over NPAs than over DPAs).

Regardless, the no-further-prosecution clause reflects a core constitutional reality. Although Rule 48(a) provides the Court a limited check against bad-faith dismissals, it does not authorize a court to compel the Government to prosecute. *See Cowan*, 524 F.2d at 511-12. In the



case of a consent motion, like the one here, Rule 48(a) allows a court to protect against a prosecutor who, for venal, selfish, or capricious reasons, attempts to terminate a prosecution; such a rogue prosecutor in these circumstances has abandoned the duties she owes to the law and the Government and seeks to terminate a prosecution that the Government, as an institution, has not made a considered judgment to end. *Hamm*, 659 F.2d at 630; see *In re United States*, 345 F.3d 450, 454 (7th Cir. 2003) (“Presumably an assistant U.S. Attorney who accepts a bribe, wants to go on a vacation rather than conduct a trial, etc., is acting alone rather than at the discretion or with the approval of the Justice Department.”). But should a court deny a Rule 48(a) motion where the Government as an institution has decided not to prosecute, as is the case here, “the Attorney General would still have discretion to decline to move the case for trial,” and the court would prove “constitutionally powerless to compel the government to proceed.” *Cowan*, 524 F.2d at 511; see *United States v. Adams*, 24-cr-556 (DEH), 2025 WL 978572, at \*19-20 (S.D.N.Y. Apr. 2, 2025). The NPA’s no-further-prosecution clause merely reflects that the Government as an institution has decided it will not move forward with this case even if this Court denies the Rule 48(a) motion, as is the Executive Branch’s constitutional prerogative.<sup>16</sup>

Nor is there any basis for the Objecting Families to allege deception or impropriety, let alone a violation of the Crime Victims’ Rights Act, 18 U.S.C. § 3771 (“CVRA”), from a clause that simply memorializes what the NPA is—a decision by the Government not to further prosecute Boeing in exchange the obligations the Company agreed to undertake.<sup>17</sup> When the Government conferred with the families about the possibility of the NPA, the Government made clear that such

---

<sup>16</sup> The Objecting Families seek the appointment of a special prosecutor to overcome this component of the constitutional separation of powers. Cassell Br. at 16-19; Singh Br. at 8-9. The Government explains further below why that course is unlawful.

<sup>17</sup> Cassell Br. at 19-21.

an agreement would mean that Boeing would not face further prosecution, and never suggested that the Government's prosecutorial discretion to make that decision was subject to the Court's approval. That the Objecting Families and their counsel understood this is plain from the transcript of the conferral and the follow-up written submissions families provided the Government and which the Government has in turn provided to the Court. The Government had the benefit of these families' views when making its decision, which is what the CVRA's right to reasonable conferral contemplates. *In re Dean*, 527 F.3d 391, 394-95 (5th Cir. 2008). And the Court has heard the Objecting Families' views as it weighs the motion to dismiss. *Id.* at 395-96. The Government and the Court have therefore honored the families' CVRA rights.

The Department appreciates the depth of emotions and regrets the sharp disagreement about how to proceed in this case. But it is precisely in such cases that the constitutional separation of powers must be most carefully guarded. Here, Boeing consents to the dismissal and there is no rogue prosecutor to protect against. The decision to enter into the NPA and not further prosecute Boeing reflects the Department's considered judgment about how best to resolve a complex and long-running matter. The Objecting Families' disagreement with that judgment is not evidence of bad faith, and the Government's decision to memorialize its judgment in the NPA does not infringe on the Court's authority. To the contrary, it reflects the very discretion the Constitution entrusts to the Executive Branch.

### 3. The Statute of Limitations Has Not Run and Does Not Bar a Further Prosecution

The Objecting Families wrongly analyze the statute of limitations and its intersection with the NPA.<sup>18</sup> They overlook black letter law and the NPA's terms, which together confirm that the

---

<sup>18</sup> Cassell Br. at 21-25.

statute of limitations as to the pending conspiracy charge will not expire until one year after the NPA concludes.

The Information alleges that the charged conspiracy, in violation of 18 U.S.C. § 371, extended through in or around December 2018, marking that month as the period from which the five-year statute of limitations began to run.<sup>19</sup> *See United States v. Davis*, 533 F.2d 921, 926 (5th Cir. 1976) (“[I]n order to convict the government must have alleged and proved an overt act in furtherance of the conspiracy [charged under 18 U.S.C. § 371] occurring on or after September 5, 1969, and thus within the five years prior to the return date of the indictment.”); *United States v. Manges*, 110 F.3d 1162, 1170 (5th Cir. 1997) (citing *Davis* for the proposition that “a conspiracy conviction requires proof of “[t]he commission of at least one overt act by one of the conspirators within [the five-year statutory] period in furtherance of the conspiratorial agreement.”) (alternations in original).

On January 7, 2021, with nearly three years left under the statute of limitations, the Government filed the Information, which, consistent with black letter law, began tolling the statute of limitations. *See* 18 U.S.C. § 3282(a) (“Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found *or the information is instituted* within five years next after such offense shall have been committed.”) (emphasis added)); *United States v. Schmick*, 904 F.2d 936, 940 (5th Cir. 1990) (“The return of a timely indictment tolls the statute of limitations as to the charges alleged therein”); *see e.g., United States v. Webster*, 127 F.4th 318, 322 (11th Cir. 2025) (“An information is instituted, and the statute of limitations is tolled for the charges the information alleges, when it is filed with the district court.”); *see also Powell v. United States*, 352 F.2d 705, 707 n.5 (D.C. Cir. 1965) (“To

---

<sup>19</sup> Criminal Information, ECF No. 1, at 1, ¶ 1.

be entirely accurate, it should be noted that an arrest does not toll the statute of limitations. Rather, it is the return of an indictment or the filing of an information which must be done before expiration of the statutory period, and this may occur before as well as after the arrest.”).

The statute of limitations will not begin to run upon dismissal of the Information. Boeing has agreed under the NPA “that the statute of limitations with respect to any such prosecution [relating to the conduct described in the attached Statement of Facts] that is not time-barred on the date of the signing of this Agreement shall be tolled for the Term plus one year.”<sup>20</sup> *See United States v. Spector*, 55 F.3d 22, 24 (1st Cir. 1995) (observing that “courts have enforced [tolling] agreements where voluntarily and knowingly made, finding that they do not violate the policies underlying the statute of limitations [18 U.S.C. § 3282],” “which is a waivable affirmative defense, not a jurisdictional bar to prosecution”); *cf. United States v. Arky*, 938 F.2d 579, 582 (5th Cir. 1991) (holding that the § 3282 statute of limitations is not jurisdictional and thus a “defendant must affirmatively assert a limitations defense at trial to preserve it for appeal”). Moreover, even if the statute of limitations were to start running upon dismissal because the NPA somehow failed to toll the statute of limitations, the amount of time left on the clock—nearly three years—is longer than the two-year term of the NPA.<sup>21</sup>

The statute of limitations is therefore not a bar to the Government refiling the § 371 charge should the Company breach the Agreement.<sup>22</sup> But the Objecting Families are correct to underscore

---

<sup>20</sup> NPA at 8-9, ¶ 16

<sup>21</sup> *Id.* at 4, ¶ 5.

<sup>22</sup> For this reason alone, the Objecting Families have failed to establish a CVRA violation related to the statute of limitations. *See Cassell Br.* at 25 (stating that had the families “been told the truth—that the agreement was functionally unenforceable—they would have strongly objected and insisted on a conferral about the [*sic*] holding Boeing accountable”). Of course, at every conferral, many of the Objecting Families and other families either directly or through counsel have strongly

that the Government's ability to refile is an important enforcement mechanism in the NPA.<sup>23</sup> And at no point do they take the position that, if the Court decides to dismiss the case, it should do so with prejudice, which would prohibit the Government from refiling. Accordingly, on the specific question of whether dismissal should be with or without prejudice, everyone appears to agree that dismissal should be without prejudice.

4. The Court's Rejection of the Monitor Provision Is Not Law of the Case

The Objecting Families continue to press for the imposition of a corporate monitor, but overlook the Government's responsibility to make a present-day, independent assessment of whether a monitor is necessary.<sup>24</sup> Circumstances have changed since the Government submitted the proposed plea agreement, and the decision not to require a monitor in the NPA reflects the Government's updated, informed judgment.

The Objecting Families are correct that, prior to the parties reaching the proposed plea agreement, Boeing submitted its FAA-mandated remediation plan. Specifically, Boeing provided the FAA with the plan on or about May 30, 2024, roughly one month before the parties reached agreement on the plea's material terms.<sup>25</sup> That was not enough time, in the Government's judgment, for Boeing to demonstrate its progress and commitment to the plan sufficient to change the Government's view that a monitor was necessary. But it is now a year later, and in the interim

---

objected to the Government's handling of this matter and expressed their views on how they would prefer the Government seek to hold Boeing accountable.

<sup>23</sup> See *id.* at 24 & n.14.

<sup>24</sup> Declaration of Sean P. Tonolli, ECF No. 312-2 (May 29, 2025) ("Gov't NPA Decl."), at 11-12 & n.29, ¶ 35.

<sup>25</sup> May 30, 2024 FAA Press Release, *FAA Continues to Hold Boeing Accountable for Implementing Safety and Production Quality Fixes*, available at <https://www.faa.gov/newsroom/faa-continues-hold-boeing-accountable-implementing-safety-and-production-quality-fixes>; Government Status Report and Agreed Motion to Postpone a Trial Scheduling Order, ECF No. 204.

the Government has had the opportunity to engage directly with the Boeing and FAA personnel responsible for implementation and oversight of that plan. That engagement are what informed the Government's current view that a monitor is not necessary to ensure Boeing's compliance going forward.<sup>26</sup>

Finally, the Court's prior rejection of the proposed plea agreement, including its concerns about the monitor provision, does not control here. A court's decision whether to accept a proposed plea agreement under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure is necessarily limited in scope; the Court was not adjudicating whether a monitor is legally required or making a binding determination that a monitor must be imposed. It was considering whether to accept or not the proposed plea agreement before it—a very different context from a Rule 48(a) motion to dismiss. The Objecting Families do not point to any precedent for treating such a ruling as the law of the case that precludes the Government from moving to dismiss without the imposition of a corporate monitor.<sup>27</sup> That is especially true now, nearly a year later, after changed circumstances and further developments. The Government has a continuing obligation to exercise its own judgment, and it has done so.

5. The Penalty Is Based on the Government's Assessment of the Facts and the Law

As they did during the litigation over the proposed plea agreement, the Objecting Families again challenge the Government's considered judgment regarding the statutory maximum fine for

---

<sup>26</sup> Gov't NPA Decl. at 11-13, ¶¶ 35-39.

<sup>27</sup> Notably, while the Court raised concerns about the monitorship, it expressed no such reservations about any other aspect of the proposed plea agreement, including, for example, the \$487.2 million statutory maximum fine, the Guidelines calculation, and a Statement of Facts that did not require Boeing to admit the charged conspiracy was a direct and proximate cause of the crashes. Yet the Objecting Families do not suggest that the Court's seeming approval of these aspects binds it—or the parties—going forward. The selective invocation of law of the case underscores that the argument is not grounded in precedent but deployed for tactical effect.

the § 371 conspiracy charged in the Information. But the Government has been clear and consistent—both in prior briefing and at oral argument—about the legal and evidentiary basis for its penalty calculation. The Government has determined that the highest pecuniary gross gain or loss that the Government could prove beyond a reasonable doubt at trial, consistent with the facts and the law, is \$243.6 million, representing Boeing’s estimated cost savings from initially avoiding enhanced pilot training.<sup>28</sup> Under the Alternative Fines Act, that figure yields a statutory maximum fine of \$487.2 million. 18 U.S.C. § 3571(d). Boeing will have paid that amount in monetary penalties between the DPA and NPA.<sup>29</sup>

The Government further explained that it “does not have sufficient evidence to charge Boeing with a federal criminal offense with an offense element relating to the deaths of the victims of the Lion Air Flight 610 and Ethiopian Airlines Flight 302 airplane crashes.”<sup>30</sup> Nor does the Government “have sufficient evidence to charge (and, therefore, to accuse in this case) any other individual with having conspired with the Chief Technical Pilot and the other Technical Pilot, or having committed any other federal criminal offense related to the conduct that is the subject of the pending Criminal Information or the broader facts and circumstances of the . . . airplane crashes, or to prove as much in a trial of Boeing.”<sup>31</sup>

---

<sup>28</sup> Mr. Cassell mistakenly claims that the Government has not reaffirmed this point in its declaration supporting the motion to dismiss. Cassell Decl. at 27, ¶ 84. The Government, however, expressly adopted and incorporated by reference its prior declaration submitted in connection with the proposed plea agreement, including Paragraph Nine, which states that the “highest pecuniary gross gain or loss the Government can allege and prove beyond a reasonable doubt is \$243.6 million.” Gov’t NPA Decl. at 2, ¶¶ 3-4 & n.2; Gov’t Plea Decl. at 3, ¶ 9.

<sup>29</sup> See NPA at 3, ¶ 3.

<sup>30</sup> Gov’t Plea Decl. at 3, ¶ 7.

<sup>31</sup> *Id.* at 5, ¶ 13.

The Objecting Families offer no new facts or legal arguments to rebut these conclusions. Instead, they repeat unsupported claims that the Government is “attempting to obscure Boeing’s true culpability.”<sup>32</sup> The Government is not concealing relevant evidence, nor is it bound to any prior Guidelines calculation—though it stands by the methodology used in both the DPA and the proposed plea agreement.<sup>33</sup> That is because the penalty here reflects the Department’s independent, good-faith assessment of what the evidence and the law can support in terms of a statutory maximum fine, consistent with the *Principles of Federal Prosecution* and the ethical standards that govern its attorneys.

Likewise, the Objecting Families’ request for the Court to revisit its earlier acceptance of the DPA, and somehow set it aside, has no legal basis.<sup>34</sup> The DPA expired in January 2024—more than a year-and-a-half ago—and is no longer before the Court; the penalty now at issue arises from an independent resolution, negotiated in a different posture and with different terms. Nor would issuing an advisory opinion declaring the DPA invalid have any effect on the Government’s current, considered judgment about how best to resolve this case.

#### 6. The Compensation Fund Is Fair, Appropriate, and Guaranteed

The Objecting Families mistakenly assert that the \$444.5 million compensation fund is “untethered from any specific finding of ‘lost income’ or other metric.”<sup>35</sup> As the Government set forth in its declaration, it undertook a detailed and methodical process to estimate restitution

---

<sup>32</sup> Cassell Br. at 41; Motion and Memorandum of Recognized Crime Victims’ Families Naoise Connolly Ryan, et al. Requesting that the Court not Accept the Rule 11(c)(1)(c) Binding Plea Agreement Proposed By the Government and Boeing, ECF No. 234, at 11-35.

<sup>33</sup> Gov’t Response in Support of Plea Agreement, ECF No. 245, at 28 (“The Agreement presents what the parties submit is a faithful application of the Guidelines, consistent with the Criminal Information and Statement of Facts . . .”).

<sup>34</sup> Cassell Br. at 40.

<sup>35</sup> *Id.* at 43.



consistent with applicable law.<sup>36</sup> All families were invited to submit information about lost income and other compensable losses; close to half responded. To assess the submissions, the Government retained a team of financial experts specializing in personal economic loss. That team collectively spent more than 3,000 hours analyzing the data and developing a comprehensive model to estimate aggregate losses.

Because not all families responded, the experts applied principled estimation techniques to project losses for non-responding families. Based on this rigorous analysis, the Government determined that the families are collectively entitled to \$444.5 million in restitution. This calculation did not subtract any of the substantial amounts that families have already received through civil settlements or Boeing's earlier compensation fund. But in recognition of those prior payments—amounting to billions of dollars—the Government concluded that the most equitable and efficient course was to distribute the \$444.5 million equally among the estates of the 346 crash victims.<sup>37</sup>

This experience confirmed a significant litigation risk: if the case proceeded to trial and resulted in a conviction, the Court could ultimately decline to award any restitution. The assessment process alone was complex, costly, and time-consuming, even without adversarial litigation. Had the case gone forward and Boeing been convicted, the Government would have had

---

<sup>36</sup> Gov't NPA Decl. at 3-7, ¶¶ 7-17.

<sup>37</sup> The Government appreciates the sensitivities around the disparity in civil settlement amounts raised in Mr. Vuckovich's brief and the view of certain of his clients that they should have received more. Vuckovich Br. at 6. Outside of restitution imposed after a conviction by guilty plea or trial, however, the Government is not aware of any authority—and Mr. Vuckovich cites none—that would permit the Court to require Boeing to establish a separate compensation fund for these and similarly situated families. *See id.* It is the Government's understanding, based on representations by Mr. Vuckovich, that while these families would prefer to receive a relatively larger share of the NPA's compensation fund, they do not oppose the Government's motion to dismiss. Suppl. Gov't NPA Decl. at 2, ¶ 5.

to present individualized loss calculations for each of the 346 victims' estates, likely prompting extensive challenges from Boeing and involvement by the Probation Office. The result could have been hundreds of mini-trials over restitution—precisely the burdensome and protracted litigation the restitution statutes allow courts to avoid. 18 U.S.C. § 3663A(c)(3)(B).

Faced with the very real possibility of years of litigation and no additional restitution, the Government concluded that a guaranteed \$444.5 million compensation fund represents a fair and appropriate approximation of restitution. Inaccurately calling this fund a “bribe” or a “payoff” distorts both the law and the Government’s intent. The Government relied on experienced financial experts, applied well-established methods for estimating economic loss, and ensured that the final amount reflected a principled and rational approach to compensable harm. That the compensation is included in a negotiated resolution does not render it improper—structured compensation is often a central component of non-trial resolutions. The fact that victims will receive compensation without the delay and uncertainty of litigation is a feature of this resolution, not a flaw.

7. The Government’s Assessment of Litigation Risk Is Not Pretextual

The risks surrounding restitution were but one component of the Government’s broader assessment of the litigation risks of proceeding to trial. As the Government explained in seeking approval of the proposed plea agreement, there are other meaningful legal and factual risks that make the prospect of conviction uncertain.<sup>38</sup> The Government reaffirmed its assessment of those risks in the sworn declaration submitted with its motion to dismiss.<sup>39</sup> It will not rehash here the disagreements with the Objecting Families that have already been aired in briefing and at oral

---

<sup>38</sup> Gov’t Plea Decl. at 3-6, ¶¶ 6-14.

<sup>39</sup> Gov’t NPA Decl. at 2, ¶¶ 3-4 (adopting and incorporating by reference the Gov’t Plea Decl, and stating that the Government continues to hold its considered position, articulated in the prior declaration and the brief it accompanied, on how “[t]he Government would prosecute this case if it went to trial and the attendant uncertainty”).

argument. Suffice it to say: the Government is closest to the evidence, tried (and lost) the case against the Boeing employee charged with the underlying offense conduct, and remains both responsible and accountable for how this case resolves. It is best positioned to assess the litigation risks of its own case and stands by its considered judgment that those risks are meaningful and informed its good-faith decision to enter into the NPA and move to dismiss.

The only new argument the Objecting Families raise is that Boeing should be barred by laches from contesting the Government's breach determination.<sup>40</sup> That argument is misplaced. Since June 2024, when the Government extended the proposed plea offer, and then again since mid-December 2025 after the Court rejected the proposed plea agreement, the parties have been in a resolution posture. Litigating breach would have been inefficient and unnecessary unless the parties failed to reach an agreement. Additionally, the parties executed the NPA before June 2, 2025—the only pretrial motions deadline set by the Court—meaning Boeing did not miss any opportunity to raise its challenge.<sup>41</sup> Moreover, throughout the resolution discussions Boeing consistently stated that it would contest the breach determination if the case returned to an adversarial posture.<sup>42</sup> The Government has thus suffered no prejudice. And the Objecting Families cite no precedent granting CVRA victims standing to assert laches to preclude a defendant from litigating a substantive issue against the Government that is unrelated to CVRA rights.

\* \* \*

In sum, the standard under Rule 48(a) is not whether others—be they victims, the public, or even the Court—disagree with the Government's judgment, but whether the consent motion to

---

<sup>40</sup> Cassell Br. at 44.

<sup>41</sup> Pretrial Scheduling Order, ECF No. 294 (Mar. 25, 2025), at 1, ¶ 3.

<sup>42</sup> See Boeing's Consolidated Response to Objections to Proposed Plea Agreement, ECF No. 246, at 3-4.

dismiss is the product of bad faith, as defined by the Fifth Circuit in *Hamm*. The Objecting Families do not allege, let alone substantiate, any such improper motive. The Department has acted in good faith and within the bounds of its constitutional authority in determining that the prosecution should not proceed. There is thus no legal basis to deny dismissal without prejudice.

**B. This Court Should Not Appoint a Special Prosecutor**

The Objecting Families have asked this Court to go even further than taking the already-extraordinary step of denying a fully explained consent Rule 48(a) motion; they have asked it to appoint a special prosecutor to ensure that this case does not end.<sup>43</sup> Yet it “[i]t is a bedrock principle of our system of government that the decision to prosecute is made, not by judges or crime victims, but by officials in the [E]xecutive [B]ranch,” *In re Ryan*, 88 F.4th at 621, and the Fifth Circuit has deemed “it highly unlikely that [it] would allow such appointments” due to the “clash[] with Article II, Section 3 of the United States Constitution,” *United States v. Davis*, 285 F.3d 378, 383 (5th Cir. 2002). Indeed, appointing a special prosecutor would violate the CVRA and would here prove unconstitutional.

1. The CVRA Does Not Allow Crime Victims to Move for a Special Prosecutor

As an initial matter, the Objecting Families lack a right even to request such an appointment. This Court has deemed the families to be CVRA crime victims, a status that grants them certain rights and allows them to assert those rights and seek relief for violations of those rights. 18 U.S.C. § 3771(a), (d)(1) and (3). According to the Objecting Families, the appointment of a special prosecutor is allowable relief now necessary to protect their rights.<sup>44</sup> That argument

---

<sup>43</sup> Some Families support such a step in theory but believe it premature, although their counsel’s signature also appears on the motion requesting such an appointment at this time. Cassell Br. at 16-19; Singh Br. at 23. In an abundance of caution, the Government here addresses all the Families’ arguments in support of a special prosecutor.

<sup>44</sup> Cassell Br. at 10.

misreads the CVRA in a way that would deeply impair prosecutorial discretion—a construction that the CVRA itself forbids, *see* 18 U.S.C. § 3771(d)(6).

*First*, the Government’s determination to dismiss this case does not mean that the Objecting Families have an independent CVRA right to see a special prosecutor appointed. Crime victims have ten participatory rights in federal criminal cases, but the right to appoint a special prosecutor and “veto” the Government’s decision to dismiss is not among them. 18 U.S.C. § 3771(a); *see United States v. Rubin*, 558 F. Supp. 2d 411, 418 (E.D.N.Y. 2008). And reading the rights listed in the CVRA to contain such a right would run afoul of the command that “[n]othing in [the statute] shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction.” 18 U.S.C. § 3771(d)(6); *see In re Wild*, 994 F.3d 1244, 1262 (11th Cir. 2021) (en banc) (rejecting for like reasons a reading of the CVRA that would create a cause of action and let a “victim to challenge the correctness . . . of the prosecutor’s no-charge decision”).

Recognizing a need to invoke a CVRA right to seek related relief, the Objecting Families wrongly or prematurely invoke their “right to be reasonably heard” in court and “reasonable right to confer with the attorney for the Government.” 18 U.S.C. § 3771(a)(4)-(5).<sup>45</sup> However, the Government has extensively conferred with all the families as to its decision to dismiss this matter and to enter into a non-prosecution agreement with Boeing, and the Objecting Families are even now being heard by this Court as to whether it should grant the Government’s motion to dismiss the Information. In short, no CVRA violation has occurred. The Objecting Families also seem to view the appointment of a special prosecutor as critical to enable them “to confer about further prosecution of Boeing,”<sup>46</sup> a concern without salience if this Court grants the Government’s

---

<sup>45</sup> *See e.g., id.* at 19-21.

<sup>46</sup> Singh Br. at 10.

properly made motion to dismiss, *cf. Murthy v. Missouri*, 603 U.S. 43, 69 (2024) (explaining that Article III courts may grant “forward-looking relief” only where “‘allegedly wrongful behavior would likely occur or continue’”).

*Second*, even if the Objecting Families had raised a substantiated and present CVRA violation, the statute would not allow a district court to appoint a special prosecutor to remedy that harm. Congress authorized courts to grant “relief” for CVRA violations, 18 U.S.C. § 3771(d)(3), but it also stated that “[n]othing in [the statute] shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction,” *id.* § 3771(d)(6). That discretion includes “filing charges, prosecuting, not prosecuting, plea-bargaining, and recommending a sentence to the court.” *In re Wild*, 994 F.3d at 1260; *accord In re Ryan*, 88 F.4th at 621-22; *see also United States v. Cox*, 342 F.2d 167, 171 (5th Cir. 1965) (en banc) (discussing the constitutional discretion of prosecutors to decide if “a prosecution shall be commenced or maintained”).

Almost nothing could “impair” the Executive Branch’s prosecutorial discretion more than the judicial appointment of a special prosecutor to pursue charges that the Government has decided to dismiss. That prospect would invite another attorney to reach a different conclusion about “the strength of the case, the prosecution’s general deterrence value, the Government’s enforcement priorities, and the case’s relationship to the Government’s overall enforcement plan.” *Wayte v. United States*, 470 U.S. 598, 607 (1985). It would impose “systemic costs” by “delay[ing] the criminal proceeding” and “chill[ing] law enforcement by subjecting the prosecutor’s motives and decisionmaking to outside inquiry.” *Id.* And it would allow an attorney to prosecute crimes on behalf of the Government without preserving for “the Executive Branch sufficient control” over that attorney’s activities. *Morrison v. Olson*, 487 U.S. 654, 695-96 (1988) (explaining ways in

which even the Independent Counsels appointed under the infamous Ethics in Government Act of 1978 were subject to greater Executive Branch control than what the Families propose).

2. Appointing a Special Prosecutor Would Violate the Constitutional Separation of Powers

Although the CVRA forecloses the appointment of a special prosecutor as relief for supposed violations of that statute, the Constitution also forbids such an appointment.

The Constitution vests federal prosecutorial power in the Executive Branch. *See* U.S. Const. art. II, §§ 1, 3. Accordingly, the “Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case,” *United States v. Nixon*, 418 U.S. 683, 693 (1974), with a narrow exception that allows the Judiciary to appoint a private attorney to prosecute criminal contempt of court where the Executive Branch declines to do so, *see Young v. United States ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 796, 801-02 (1987). Outside that exception, invoking inherent judicial power to appoint special prosecutors violates the constitutional separation of powers. *Davis*, 285 F.3d at 383 (“[A]llowing federal judges to appoint special prosecutors when the government elects not to prosecute would contravene *Cox*.”); *see Cox*, 342 F.2d at 171 (“It follows, as an incident of the constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions.”); *accord In re United States*, 345 F.3d 450, 452, 454 (7th Cir. 2003); *Adams*, 2025 WL 978572, at \*19.

To advance their novel and contrary position, the Objecting Families misread binding precedent, analogize the appointment of a special prosecutor to inapposite statutory regimes, and cite scholarship on the murky history of private prosecution in the United States. None of this supports recognizing an inherent power in the Judiciary to appoint a special prosecutor here.

The Objecting Families wrongly read three Supreme Court cases to establish a broad inherent judicial authority to appoint special prosecutors.<sup>47</sup> As explained, *Young* affirmed that courts have a narrow authority to appoint private attorneys to prosecute contempt cases if the Executive Branch refuses to prosecute the case. 481 U.S. at 796, 801-02. The independent counsel in *Morrison*, meanwhile, was appointed under the lapsed Ethics in Government Act of 1978—not a federal court’s inherent authority—487 U.S. at 660-63, and like statutes allowed for court appointment of commissioners, marshals, and interim United States Attorneys, *id.* at 676-77. Last, appellate courts may appoint an amicus curiae to defend a criminal judgment if the Office of the Solicitor General declines to do so, *see United States v. Providence Journal Co.*, 485 U.S. 693, 703-04 (1988), but the power to solicit input as to the validity of a preexisting judgment differs in kind from a power to appoint an attorney to obtain such a judgment in the first place. That latter power—“[i]nvestigation and prosecution of crimes”—is the Executive Branch’s “conclusive and preclusive” prerogative. *Trump v. United States*, 603 U.S. 593, 620-21 (2024).

The Objecting Families’ appeal to this Circuit’s precedent also fails.<sup>48</sup> Notably, they never address the Fifth Circuit’s most recent discussion on the appointment of special prosecutors, which emphasizes that the constitutional separation of powers precludes such appointments based on a federal court’s inherent powers. *Davis*, 285 F.3d at 383. They instead invoke a fifty-year-old district court decision that appointed a special prosecutor after denying a Government Rule 48(a) motion to dismiss—all of which the Fifth Circuit overturned after finding no cause to deny the Rule 48(a) motion. *See United States v. Cowan*, 396 F. Supp. 803 (N.D. Tex. 1974), *rev’d* by 524 F.2d 504, 514-15 (5th Cir. 1975); *see also Davis*, 285 F.3d at 383 n.3. And despite the Objecting

---

<sup>47</sup> Cassell Br. at 16-17; Singh Br. at 11-13

<sup>48</sup> Cassell Br. at 17-18; Singh Br. at 13-14, 19-21.



Families’ suggestion, the Fifth Circuit opinion in this case never endorsed a special prosecutor; it affirmed that “it is not the province of the judiciary to dictate to executive branch officials who shall be subject to investigation or prosecution,” *In re Ryan*, 88 F.4th at 621, and that federal courts must exercise the inherent authority that they do have with “restraint” and “caution,” *id.* at 623.<sup>49</sup>

Nor do the Objecting Families rightly invoke the All Writs Act.<sup>50</sup> The Act allows courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). Yet the Government’s proposed dismissal and the lack of a special prosecutor do not threaten this Court’s subject-matter jurisdiction, as required for the Act to apply, *see ITT Community Dev. Corp. v. Barton*, 569 F.2d 1351, 1358-59 (5th Cir. 1978), and appointing a special prosecutor under the Act is relief without “statutory or historical warrant” and that clashes with the “separation of powers”—relief that the Act cannot supply, *cf. United States v. Reyes*, 945 F.2d 862, 866 (5th Cir. 1991) (disallowing a postconviction writ under the Act for similar reasons).

The Objecting Families last cite to civil statutory schemes and law review articles, which, they say, show that prosecution is not exclusively an executive function.<sup>51</sup> However, a private individual’s assertion of government rights in a congressionally authorized civil *qui tam* proceeding, *see* 31 U.S.C. § 3730, or as a statutorily authorized plaintiff with Article III standing (and a personal injury-in-fact),<sup>52</sup> cast little light on the propriety of a court relying on its inherent authority to appoint a private individual to prosecute a federal offense. And the academic literature that the Objecting Families have collected aside, the Supreme Court has held that federal

---

<sup>49</sup> *Contra* Singh Br. at 13-14.

<sup>50</sup> Cassell Br. at 18; Singh Br. at 19.

<sup>51</sup> Singh Br. at 15-17.

<sup>52</sup> *See id.* at 16-17 (citing environmental laws).

prosecution is committed exclusively to the Executive Branch. *Trump*, 603 U.S. at 620-21 (collecting cases).<sup>53</sup>

#### IV. CONCLUSION

In the end, the Government has made the considered and constitutionally vested decision not to prosecute—a judgment the Executive alone is empowered to make, and one that has been publicly explained in detail. There is no legal basis to override that decision or to appoint a special prosecutor, nor would either step yield anything but constitutional conflict. The Court is not being asked to endorse the Government’s judgment, only to recognize that it has been offered in good faith, in accordance with the law, and free of the bad faith required to deny a consent Rule 48(a) motion. Because no prosecution will proceed without the Government’s participation, the only path forward consistent with law and separation-of-powers principles is to grant the motion to dismiss, and to do so without prejudice.

---

<sup>53</sup> The Families claim that appointing a special prosecutor here would not violate the Appointments Clause of the federal constitution. Singh Br. at 17-18; U.S. Const. Art. II, § 2, cl. 2. The Government concurs on that point. *See Auffmordt v. Hedden*, 137 U.S. 310, 326-27 (1890) (holding that a “merchant appraiser” chosen to resolve a customs dispute was not an officer because his functions extended no further than the “case [in which] he [wa]s selected to act”); *United States v. Germaine*, 99 U.S. 508, 512 (1879) (holding that a medical examiner was not an officer because he performed duties only “when called on . . . in some special case”); *see also United States v. Donziger*, 38 F.4th 290, 299-302 (2d Cir. 2022) (holding that, although special prosecutors in a contempt matter were officers of the United States, the prosecution remained proper because the Attorney General retained control and discretion over those officers).

Respectfully submitted,

LORINDA I. LARYEA  
Acting Chief  
Fraud Section, Criminal Division  
United States Department of Justice

NANCY E. LARSON  
Acting United States Attorney  
Northern District of Texas

By: s/ Sean P. Tonolli  
Sean P. Tonolli  
Acting Principal Deputy Chief  
D.C. Bar No. 503346  
sean.tonolli@usdoj.gov

By: s/ Chad E. Meacham  
Chad E. Meacham  
Assistant United States Attorney  
Texas Bar No. 00784584  
chad.meacham@usdoj.gov

United States Department of Justice  
Criminal Division, Fraud Section  
1400 New York Avenue, N.W.  
Washington, D.C. 20005  
202-514-2000

United States Attorney's Office  
Northern District of Texas  
801 Cherry Street, 17th Floor  
Fort Worth, TX 76102  
817-252-5200

cc: Counsel of Record (via ECF)

**EXHIBIT 1**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
Fort Worth Division**

UNITED STATES OF AMERICA

Plaintiff,

V.

THE BOEING COMPANY

Defendant.

3. The Government’s decision not to prosecute Boeing further and to enter into the non-prosecution agreement (“NPA” or the “Agreement”)<sup>1</sup> was considered and approved by senior Department leadership. The final approval was not provided until after the Government’s May 16, 2025 conferral with the families and the Government received and considered the follow-up written submissions by certain families, as described in my prior declaration.<sup>2</sup>

4. Since making the decision to enter into the Agreement, the Government has received additional written submissions from certain family members—directly from some, and through counsel for others—expressing their views on the Agreement and the motion to dismiss. All of the submissions are included in a compilation exhibit.<sup>3</sup> The Government has redacted the names and other identifying information of those family members who did not affirmatively agree for their information to be included on the public docket. The Government carefully reviewed and considered all of the submissions.

5. The Government spoke with Adrian Vuckovich, counsel for Family members of 66 crash victims, on June 26, 2025. Mr. Vuckovich confirmed that while certain of his clients would prefer to receive a relatively larger share of the NPA’s Crash-Victim Beneficiaries Compensation Amount,<sup>4</sup> or for Boeing to have to pay an additional sum of money to them above and beyond what the NPA requires, his clients do not oppose the Government’s motion to dismiss.

6. Boeing was obligated under the Agreement to establish and fund two escrow accounts within five business days after the Agreement became effective: an account with the

---

<sup>1</sup> May 29, 2025 Non-Prosecution Agreement between Government and Boeing, ECF No. 312-1. (“NPA”).

<sup>2</sup> Declaration of Sean P. Tonolli, ECF No. 312-2 (May 29, 2025), at 15-20, ¶¶ 44-54.

<sup>3</sup> Ex. 2, Compilation of family written submissions.

<sup>4</sup> NPA at 6, ¶ 11.

\$444.5 million Crash-Victim Beneficiaries Compensation Amount, and an account with the \$243.6 million criminal monetary penalty.<sup>5</sup> Boeing has confirmed in writing to the Government, including by providing account information, that it timely established and fully funded both escrow accounts.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 2, 2025.

s/ Sean P. Tonolli

Sean P. Tonolli  
Acting Principal Deputy Chief  
United States Department of Justice  
Criminal Division, Fraud Section  
D.C. Bar No. 503346  
1400 New York Avenue, N.W.  
Washington, D.C. 20005  
sean.tonolli@usdoj.gov  
202-514-2000

---

<sup>5</sup> NPA at 6-7, ¶¶ 11-12.

**EXHIBIT 2**



**From:** [REDACTED]  
**To:** [Victimassistance Fraud \(CRM\)](#)  
**Subject:** [EXTERNAL] Victim Impact Submission – U.S. v. The Boeing  
**Date:** Friday, May 23, 2025 10:01:00 AM

---

To Whom It May Concern:

We are submitting this statement as the daughters of one of the victim who lost her life in one of the Boeing 737 MAX crashes.

We were devastated not just by the crash itself, but by the disturbing revelations that followed — about decisions made, shortcuts taken, and risks overlooked in the name of profit or speed. Knowing that this tragedy was preventable only deepens the pain.

We place our trust in the Department of Justice to pursue true accountability in this case. That means not simply closing it with a fine or a settlement that allows the company to move on without meaningful consequences. The choices made by Boeing had real, human costs — they took lives. Our mother's life.

We ask that you consider the long-lasting impact of this crime, not just on our family but on every family affected. We are asking for justice not out of revenge, but because it is necessary to honor the lives lost and to prevent future tragedies. Accountability matters — for healing, for truth, and for safety.

Thank you for allowing victims and families the chance to be heard. I appreciate the Department's commitment to respecting our dignity and privacy throughout this process.

Sincerely,

[REDACTED]

Indonesia June 07, 2025

**Crime Victim**

Responses to the orders issued by the Court,

The first order, issued on June 1, 2025, sets a briefing schedule on the Department's motion to dismiss the case. Under the order, responses to the motion either in opposition or in support must be filed by June 18, 2025, and the Department and Boeing will then have until June 25, 2025 to file any replies in support of the motion.

The second order, issued on June 2, 2025, dismisses in other words, clears the Court's calendar of the June 23, 2025 trial date, and all pretrial deadlines. In other words, the case is no longer scheduled for trial while the Court considers the motion to dismiss.

I am the wife of [REDACTED], a victim of the Lion Air JT610 Indonesia plane crash on October 29, 2018. My role here is the victim's wife, as well as representing my two biological children from our marriage, and representing the family

When and after my husband's death, I had to live a very sad life. At that time I was two weeks pregnant and had one toddler. It was not easy for me to live the following days even until now.

In response to the Department's motion to dismiss the case currently in the United States Court, and to require the Boeing Company to pay the maximum additional fine, **I agree and support the Department of Justice's motion.** In my opinion, it is better for this case to be resolved immediately without having to wait too long. The longer this case goes on, the longer our suffering will be remembering the loss of a loved one.

My children are still small (currently 10 and 6 years old), I have to raise them without a father's role beside them. What I want is for them to get a guarantee of a good, sufficient, and happy future. So I hope that Boeing Company can provide a guarantee to me and my children by providing full compensation or the maximum fine that we can accept.

It is hard for me to let go of this case, I want Boeing Company to get the punishment that is appropriate for this case, but I also want the best for me and my children. Let us try to open a new page without having to continue trauma considering every notification about the case that is currently underway in the American court.

There is no problem for me and I agree if the trial on June 23, 2025 is abolished, the most important thing is that the Department of Justice and the court judge decide on the heaviest sanctions for Boeing Company for the crimes they committed against the victims of the Lion Air JT610 and Ethiopian Airlines planes. We have high hopes for the Department of Justice and Judge Reed O' Connor so that this case is handled as well as possible.

That is our response,

Family of Victims of the Lion Air JT610 crime

[REDACTED]

**Asige Keverenge & Anyanzwa**  
**ADVOCATES**  
**COMMISSIONERS FOR OATHS & NOTARY PUBLIC**

J. S. Asige  
F. S. Mwakireti

P.O. Box 86870-80100  
Telephone 2220869 & 2221869  
Fax 254-41-2225039  
1<sup>st</sup> Floor, Wakiande House  
Meru Road  
Mombasa, **KENYA**  
E. Mail No. [asigeadvocates@yahoo.com](mailto:asigeadvocates@yahoo.com)

**Your Ref:**

**Our Ref:** JLA/mla

**Date:** 11<sup>TH</sup> JUNE 2025

U.S Department of Justice  
Criminal Division, Fraud Section  
10<sup>th</sup> & Constitution Avenue, NW  
Bond Building  
Washington, DC 20530

Phone: 1-888-549-3945  
Fax: 202-514-3708  
Email: [victimassistance.fraud@usdoj.gov](mailto:victimassistance.fraud@usdoj.gov)

**Re: United States v. The Boeing Company**  
**Court Docket 4:21 -CR-00005-O (N.D.Tex.)**  
**RESPONSE TO THE GOVERNMENT'S MOTION TO DISMISS THE**  
**INFORMATION (ECF No. 312)**

We **ASIGE KEVERENG & ANYANZWA ADVOCATES** for and on behalf of [REDACTED] being father and legal administrator of the estate of the late [REDACTED] who was a "**crash victim**" aboard the **ETHIOPIAN AIRLINES FLIGHT ET302** on **MARCH 10, 2019**, **HEREBY SUPPORT** the Government's Motion to dismiss the information (ECF No. 312) as stated above in terms as set out in the **Non-Prosecution Agreement** dated **May 29, 2025**.

**WE SO DECLARE AND AFFIRM.**

Sincerely



**J.S. ASIGE**  
**ATTORNEY/ADVOCATE**  
**OF THE ESTATE OF THE**  
**LATE [REDACTED]**

Name of victim of the Boeing  
737 Max LION AIR JT 610 Crash  
: PUSPITA EKA PUTRI.

Parent/Father acting as  
representative of the victim :

Toni Priyono Adhi, INDONESIA.

Jakarta, Indonesia, 10th June  
2025.

U.S Department of Justice  
Criminal Division, Fraud Section  
10th & Constitution Avenue, NW Bond Building  
Washington, DC 20530.

Re : United State vs The Boeing Company  
Court Docket 4:21-CR-00005-0 (N.D. Tex.).

To Whom it May Concern,

I am writing this letter to provide a response to the above matter.

I want to start by giving a touch of heart and feeling as a living human being to anyone who does not feel how sad and torn our hearts and lives are with the loss of our beloved daughter, died in a very inhumane and sadistic way, her body was crushed and sank into the Java Sea because of the main carelessness of Boeing technology and the parties involved in it. I ask legal experts not only to practice their legal expertise to insist until their wishes are achieved but try to feel if what we experienced happened to you.

(Disclaimer : We are not concerning anyone, but we urge you to experience what we experienced ).

Today ( 10th June 2025) is the 2,416 th day since the tragedy of October 29, 2018. We who have had to mourn the loss of our daughter's life and body all this time with the situation that is continuously exposed to the public & media and swayed by legal events that must be investigated but feel very long never ending . Endless sadness and always reappears and always brings tears to my eyes every time this case is discussed in public or in court and other forums.

For those who did not experience it, maybe they don't care, it is considered business as usual, but for us the situation is very memorable and very emotional and sad,

Who sick and tired of having a case that drag on and never ends and some even want to keep dragging it on for even longer ? This is also seems, due to so far Boeing's apparent defensiveness .

It's understood by all that everyone has their own rights.



In principle, taking someone else's life is indeed a crime, any demands and compensation will never satisfy all parties, even the victims and their families, because LIFE IS PRICELESS, no matter how much it is valued, there is still an Immaterial Damage factor that is like its value cannot even be replaced with Boeing assets.

Unless Boeing can bring our daughter back to life and reunite her with our family. Life belongs to God.

However, the investigation, however must have a time limit that we can agree on together, not feeling the most expert in the field .

We appreciate legal experts, please , for those who still insist on testing their expertise in the legal field or whatever, feel what the victim's family feels.

To The Boeing Company ,You must take full responsibility and be accountable, don't wait to be forced to do so until the very end.

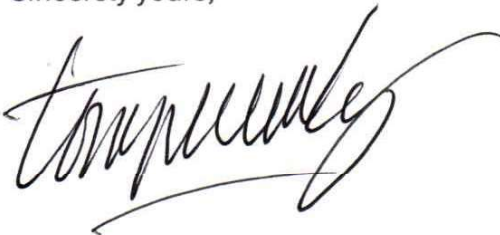
Regarding the above Subject along with its contents and attachments, we have sincerely supported what is written and ultimately supported the NPA, adjusted to the NPA standards to be implemented according to the Law, which has been discussed.

1. Admit mistakes or violations committed.
2. Pay fines \_ restitution to the victims.
3. Take steps to prevent similar violations from occurring in the future.
4. Cooperate with law enforcement agencies in the investigation and prosecution of other cases.

This is our latest response and statement. If there are any typos or other deficiencies, We apologize.

Thank you for your attention.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Toni Priyono Adhi', with a stylized, flowing script.

Toni Priyono Adhi.

The Bashua Family

Accra, Ghana.

7th June, 2025.

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

United States of America

**Formal Objection to the Proposed Non-Prosecution Agreement with Boeing**

To The U.S. Department of Justice,

We, the Bashua family, write to formally and categorically oppose the Department's proposed Non-Prosecution Agreement (NPA) with Boeing in connection with the crashes of Lion Air Flight 610 and Ethiopian Airlines Flight 302.

This proposal represents a profound injustice to the 346 victims whose lives were tragically and most importantly, avoidably lost. Among them were our loved ones—lives full of promise, purpose, and meaning. The NPA as proposed not only fails to hold Boeing fully accountable for its role in these disasters but also sends a deeply troubling message - that corporate misconduct, even when it results in mass loss of life, can be resolved through writing cheques, and without true justice.

Boeing's actions—prioritizing profit over passenger safety, misleading regulators, and withholding critical information—were not simply errors. They were decisions. Decisions that had fatal consequences.

A non-prosecution agreement denies the families of the victims a proper reckoning and ignores the need for meaningful accountability and reform.

We respectfully demand:

- Criminal accountability for Boeing's actions, not immunity.
- Transparency and justice for the families who continue to suffer from this irreparable loss.
- Institutional change to ensure that no other families endure what we have.

We urge the Department to reject this NPA and pursue a path that honors the memory of the victims by upholding the principles of justice, responsibility, and public safety.

We speak not only for our family, but for all 346 souls who can no longer speak for themselves.

Sincerely,

Yetunde Bashua

On behalf of Abiodun Bashua & the entire Bashua Family.





Friday, 20 June 2025

**To: Ms. Lorinda Laryea**

Acting Chief, Fraud Section  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

**Subject: Objection to DOJ's Non-Prosecution Agreement with Boeing – Request for Criminal Trial**

Dear Ms. Laryea,

I am writing to express my deep concern and strong opposition to the Non-Prosecution Agreement (NPA) recently entered into between the U.S. Department of Justice and Boeing, in connection with the tragic crashes of Lion Air Flight JT610 and Ethiopian Airlines Flight ET302, which took the lives of 346 peoples.

I strongly oppose this agreement, which allows Boeing to evade criminal accountability, and I respectfully urge the Department to pursue a public criminal trial instead.

This agreement unlawfully deprives the victims' families of their fundamental right to fair treatment in the justice process. The NPA stipulates that Boeing will not be prosecuted further, regardless of Judge O'Connor's ruling. This is illegal and grossly unjust.

Moreover, even in the event of a breach, all potential charges are now time-barred, rendering the NPA unenforceable. The absence of independent judicial oversight—such as a court-appointed monitor—is contrary to the public interest. Allowing Boeing to choose its own “compliance consultant” is equivalent to letting a criminal supervise themselves.

The agreement completely fails to account for the 346 deaths that this court has already recognized as caused by Boeing's conspiracy.

The proposed direct payments to the families amount to a transparent “cash for immunity” tactic—intended to discourage families from pursuing justice. Without an admission of guilt or conviction, these payments are not true restitution, but rather an attempt to buy silence.

Finally, the DOJ's claim that a trial would be too difficult because Boeing might “vigorously challenge” the breach determination is unconvincing. Boeing signed a written confession

in the original DPA, which the DOJ can use at trial. The DOJ also holds sole and unreviewable discretion to determine a breach.

Allowing Boeing to avoid a public trial would set a dangerous precedent: that large corporations can buy their way out of accountability. Such an outcome would profoundly damage public trust in the rule of law.

For the sake of justice and in honor of the 346 lives lost, I urge the Department to reject this agreement and pursue criminal prosecution of Boeing in open court.

Sincerely,

[REDACTED]

[REDACTED]

---

June 19, 2025

Lorinda Laryea  
Acting Chief of the Fraud Section  
US Department of Justice

Ms. Laryea,

This letter registers my family's objection to the proposed Non-Prosecution Agreement with Boeing regarding the crashes of the two 737 Max aircraft in Indonesia and Ethiopia. I am the judicially-appointed Family Representative for [REDACTED] (my sister), who was killed on board Ethiopian 302.

The proposed agreement fails on two counts: first, it provides no accountability for the actions that resulted in the flawed design that ultimately killed my sister; the cumulative fines that the DoJ will have collected amount to approximately 10% of Boeing's profit in the year prior to the crashes. For a company like Boeing, that is pocket-change.

Second, it provides insufficient oversight to ensure that a tragedy like this does not happen again. A single "independent" consultant will not have any impact on Boeing's behavior. Last year's Expert Panel report showed that Boeing still is not prioritizing safety. What has changed in the year since that report was issued to make the Department of Justice believe that things are now different at this company? No one hopes more than me for Boeing to return to the ways that gave us iconic, and safe, aircraft like the 707 or the 747. However, that time has not yet come, and this agreement will do nothing to help us reach that goal.

My family and I strongly object to this agreement. It is a disservice to the interest of the flying public and provides no justice to the victims.

Respectfully,

[REDACTED]

Brother of [REDACTED]

Dear Lorinda :

Thanks for meeting with us, families of JT610 and ET 302 families le 16 mai dernier. I know that this is an obligation provided for by the CVRA, but the history of recent years has shown, unfortunately three times, that this obligation was not respected during a fundamental stage in this case, the establishment of the DPA between Boeing and the Government.

I will come back to this meeting later in my letter.

I am one of the people represented by Paul Cassel and I am perfectly in line with everything he has said in all our meetings with the Fraud Department as well as all these briefs and motions, and in particular his Objection and Memorandum of .... Addressed to Judge O'Connor on June 18.

Thank you for giving me the opportunity to write you this letter so that it can be filed to be transmitted to the Judge, beyond the fact of my absolute disapproval of the NPA.

On March 10, 2019, I lost my life when my daughter lost hers in the crash of flight ET302. She was 28 years old, I had her very young, still a student, and she helped me become an adult as much as I raised her. She was the person I confided in the most (at the time of the crash, my son was only 16 years old) and I was the one whose name she probably screamed before crashing to the ground.

My daughter was also the person I admired the most in the world. She had chosen the profession of humanitarian and had acquired more and more responsibilities in highly dangerous missions in refugee camps in countries at war. She had dedicated her life to others. But she was not a hothead and I knew it: she worked for an NGO renowned for the quality of its security services and for the attention paid to the safety of its humanitarians. My daughter had an extraordinary will and tenacity. I will show the same.

Boeing destroyed us, and for the past six and a half years, the Department of Justice has destroyed us as well.

346 lives lost and 346 families destroyed by Boeing's direct crime, and by the weakness of the Department of Justice.

189 victims in the crash of JT610 already deserved an exemplary sentence for Boeing, but a second crash 4 months later killing 157 passengers required an exemplary sentence and severity.

For the past six years, I have been walking around certain cities in the United States, Washington, Fort Worth, New Orleans, in the hope that the Ministry of Justice will finally realize the absurdity of its positions.

And no.

I had forgotten to mention that my non-life is a mystery to my family and friends in France: how could they understand this case that Boeing and the Ministry of Justice are trying to make not only indigestible and vomit?

But I hang on.

I would like to give here some brief arguments on the reasons for my rejection of the NPA and what I consider to be serious misconduct by the Ministry of Justice in its decision.

1/ I can't count the number of "meet and confer we had", according to the law that is now respected. It is clear that the only respect is to hold a meeting. NEVER have our suggestions, remarks, positions, oppositions been taken into account. Even Paul Cassell's questions were evaded.

On May 16, you wanted to show that you had listened to us by quoting the attempt to question Mark Forkner that we had suggested several times. Bravo. However, I don't think you deigned to think about other suggestions: to hear some whistleblowers, to hear [REDACTED], brother of a victim but also [REDACTED].

[REDACTED]. I am not going to make an exhaustive list of all our suggestions because my letter would be at least ten pages long.

2/ However, you were given a suggestion and especially a request on May 16: are you in contact with the NTSB? Are you aware of at least three serious investigations involving 737 Max aircraft since the beginning of the year? Have you contacted them about the near crash of a 737 Max operated by Alaska Airlines in January 2024?

It was the hearing of the final report today that made it impossible for me not to write to you.

I cannot imagine that you live in a parallel world where the media, the judges, the passengers do not know what has been said.

Valid cause: ".... »

One of the main recommendations (I'll let you read the entire report): we absolutely recommend that an independent panel (Boeing and the FAA (-- to avoid bias, evaluate the safety systems and ensure that procedures are actually in place.

This point alone, which had been the central point of Justice O'Connor's rejection of the proposed plea deal, in itself justifies the cancellation of the proposed NPA.

3/ Of course, I also find the steps of the last year grotesque after the DOJ had (and today's report proves that it was right) said that Boeing had breached the DPA, which they have never disputed.

How then can we explain that, after offering them a scandalous DPA on a silver platter, and while they had admitted their guilt, by a kind of magic breath, the DOJ is considering withdrawing all charges and not prosecuting at trial. I know the reason for that, of course. Politics. The pressure of the richest and the most powerful. This is not justice, and I would even say that it is dishonourable.

4/ What is even more dishonorable is the way you treat the victims. Because yes, I repeat myself, my daughter and the 345 other passengers are victims, and even victims of the deadliest corporate crime in the United States. And you try to buy them. I think that in the United States the term is a snippet. It may seem contemptuous of the 110 families whose certificates you show in favor or not of the NPA. But what you have been subjecting the victims to for the past six years is an unfathomable contempt for the ordeal they are going through, a misunderstanding of the judicial procedure that bears no resemblance to theirs

and which, moreover, even for law professors or senators, appears totally nonsensical and unprecedented. The way you treat victims is the abuse of the weakness of people who are bereaved, destroyed, exhausted, and sometimes do not have the skills to understand themselves. Paying people to shut up and renounce truth and justice shows a bleak face of what should be the greatest justice in the world, just as Boeing should regain its place as the flagship of American aviation.

5/ Boeing's history over the last 15 years (minimum) reveals a success story of penalties, fines, lawsuits settled to the tune of millions to avoid facing its responsibilities. It was said at the NTSB's Boaad this afternoon that Boeing has made some changes since January 2024 (regarding the door plug issue). Similarly, forced by 346 deaths and a forced grounding of their planes, they had corrected the deficiencies of the MCAS (but still not the root causes of the crashes: the persistent problems in the electrical and electronic circuits). This is fortunate. But we will find that it takes a serious accident for Boeing to make fundamental changes. Commercial flights serve as test flights! We have never heard that Boeing is proactive when it comes to safety.

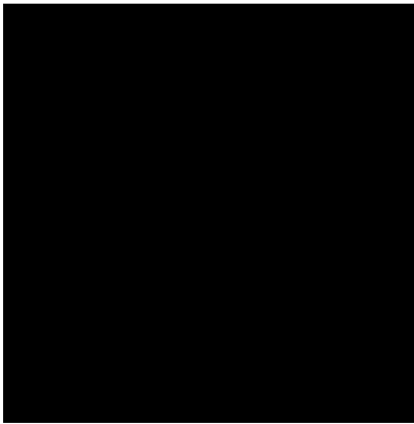
The analysis of the black boxes and the first official comments on the crash of the Air India flight two weeks ago are slow to be heard. I won't be a conspiracy theorist, but I'm willing to bet that even within the DOJ, you're asking yourself the question. Because yes, once again, whistleblowers, one in particular, found dead in his car last year, had evoked such a scenario.

In short, this letter is much less structured than anything that Paul Cassell, my lawyer, conveys in his words.

But I thank you very much for the attention you will pay to it, hoping that it can be part of the elements to convince you to sue Boeing. You know you can't lose this trial in front of a jury.

I send you my most respectful greetings.

[REDACTED]



June 19, 2025

Lorinda Laryea

Acting Chief, Fraud Section

U.S. Department of Justice

Washington, D.C.

Dear Ms. Laryea,

**RE: Objection to DOJ Motion to Dismiss – United States v. The Boeing Company  
(Case No. 4:21-cr-00005-O)**

I write as one of the family members devastated by the loss of 346 precious lives in the Boeing 737 MAX tragedies. My name is [REDACTED], and I lost my wife [REDACTED], my daughter [REDACTED], my grandson [REDACTED], my nieces, [REDACTED] and [REDACTED] in the crash of Ethiopian Airlines Flight 302.

I respectfully and strongly object to the Department of Justice's motion to dismiss the criminal charge against The Boeing Company. Boeing has admitted to its criminal conspiracy. Yet the DOJ now seeks to dismiss the case—after four years—with a non-prosecution agreement that circumvents the Court's authority and violates the spirit of justice.

This NPA allows Boeing to walk away from the deadliest corporate crime in U.S. history without ever facing trial, public scrutiny, or meaningful accountability. Even more

troubling, the DOJ has agreed not to prosecute Boeing further—even if the Court rejects the motion—rendering the Court’s role meaningless.

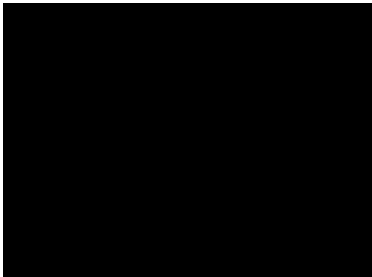
This agreement mocks the rights of victims’ families under the Crime Victims’ Rights Act. It silences our voices while allowing a powerful corporation to buy its freedom. It sends a dangerous message that even when lives are lost, truth can be buried and justice deferred—if the defendant is wealthy enough.

Our loved ones cannot speak for themselves. But we can. And we do.

I urge you to withdraw the motion to dismiss. If not, I respectfully ask the Court to deny it, so that the case may proceed to trial—where facts are tested, and public interest is served.

Our families deserve that. The world deserves that. Justice demands that.

Sincerely,





Your Honor,

We are the two daughters of [REDACTED], who lost her life in the crash of Ethiopian Airlines Flight ET302.

We are not simply the daughters of one of the 346 victims. She was not simply a seat number on a plane that went down. She was our mother, our pillar of strength.

Her passing has left an immense void in our lives. This tragedy tore our family apart and irreversibly disrupted our daily lives. Since that day, we have lived with the loss, the injustice, and the deep feeling that what happened cannot go unaddressed.

She lost her life in that crash, and with her, a part of ourselves. This tragedy has irreversibly changed our lives. Since that day, we have carried the weight of a loss that nothing can ever fill. We learned with dismay that the Department of Justice intends to end the criminal proceedings against Boeing with a negotiated settlement, without a trial. We are writing to you today to express our firm opposition to this decision.

What is at stake goes far beyond legal or economic considerations. This is a crime that caused the deaths of 346 people. A crime that has been recognized, but one that they would like to quietly bury, without public confrontation, without full accountability.

How can we accept that a company can escape trial simply because it is powerful? How can we explain to our children that their grandmother's life can be erased with a simple agreement signed out of sight? This is not only an injustice; it sends a dangerous message to all of society: some can circumvent justice, provided they have the right resources.

We are not asking for revenge. We are asking for truth, transparency, and accountability. We ask that our mother, and the 345 other victims, be treated with the respect and dignity their memory deserves.

Your Honor, you are the last independent voice left today that can still oppose this miscarriage of justice. You still have the opportunity to prevent this historic error. We place in your hands the hope that American justice will not bow to the interests of the most powerful.

We thank you for reading our submissions.

Respectfully,

[REDACTED]

Dear Ms. Laryea,

My name is [REDACTED]. Six years ago, I lost my 28-year-old daughter in the ET-302 crash. My family strongly opposes the proposed NPA.

When Boeing struck its deal six years ago, it was under explicit instruction to overhaul its safety structure. Yet the alarming number of Boeing-related accidents since then shows those promises went unfulfilled. We have lost confidence in Boeing aircraft and without meaningful, independent oversight, this NPA in its current form won't restore it.

How is it possible that a company that admitted deceiving the FAA, and thereby accepted the deaths of 157 people in that second crash, can simply buy its way out of accountability? Such an outcome is unacceptable to the families of the victims.

I am from Germany, where Volkswagen executives were sentenced to prison for fraud, fortunately with no loss of life. What price must be paid for a single human life?

I urge you to reconsider this approach so that the public may once again place its trust in the American justice system.

Sincerely,

[REDACTED]

**Madame Loryea,**

As the brother of [REDACTED], a victim of Flight ET302, and on behalf of our shattered family, we categorically reject the proposed deal with Boeing. This agreement betrays our pursuit of justice and disrespects the memory of our brother.

**Our key objections:**

- The court is stripped of its power: the agreement renders any decision by Judge O'Connor meaningless.
- Boeing avoids all independent oversight by choosing its own monitor.
- The 346 deaths are ignored in calculating the penalties.
- **Above all:** the “compensation payments” are an unacceptable bargain. **Impunity cannot be bought.** These funds are *not* legitimate restitution (there is no admission of guilt, nor any connection to our harm). This is a cynical attempt to silence us, violating the fundamental principle of “*equal justice for the poor and the rich alike*” (Griffin v. Illinois).

**Our truth:**

My brother [REDACTED] deserved better. Accepting this would mean saying that a life can be erased with a check. Boeing, a repeat offender with unlimited resources, must answer for its actions *in a public courtroom*.

We demand the rejection of this unworthy agreement. Our pain is not for sale.

**With determination,**

[REDACTED]

Family of ET302 victim

**Madame Loryea,**

En tant que frère de [REDACTED], victime du vol ET302, et au nom de notre famille brisée, nous rejetons catégoriquement la transaction proposée à Boeing. Cet accord trahit notre quête de justice et méprise la mémoire de notre frère.

**Nos objections essentielles :**

- Le tribunal est privé de son pouvoir : l'accord rend toute décision du juge O'Connor inutile.
- Boeing échappe à tout contrôle indépendant en choisissant son propre surveillant.
- Les 346 morts sont ignorés dans le calcul des sanctions.
- **Surtout** : les "paiements de compensation" sont un marché inacceptable. **On ne peut acheter l'impunité.** Ces fonds ne sont *pas* une restitution légitime (sans aveu de culpabilité ni lien avec notre préjudice). C'est une tentative cynique de nous faire taire, violant le principe fondamental : *"l'égalité de justice pour les pauvres et les riches"* (Griffin c. Illinois).

**Notre vérité :**

Mon frère [REDACTED] méritait mieux. Accepter cela reviendrait à dire qu'une vie peut s'effacer contre un chèque. Boeing, récidiviste avec des ressources illimitées, doit répondre de ses actes \*devant un tribunal public\*.

Nous exigeons le rejet de cet accord indigne. Notre douleur ne se monnaie pas.

**Avec détermination,**

[REDACTED]

Famille de victime ET302

Ms Lorinda Laryea  
Acting Chief of the Fraud Section

Dear Ms Laryea

My name is [REDACTED], and I am writing to you to respectfully express my strongest objection to the Department of Justices' motion to dismiss the criminal charge against Boeing and the associated Non Prosecution Agreement (NPA).

It is more than six years since my partner [REDACTED] life was taken away by Boeing in the second 737 Max 8 crash in Ethiopia on 10 March 2019. [REDACTED] was among the 157 people on board ET302 who died that day, and the 346 partners, parents, wives, husbands, and children who died as a result of Boeing's willful and deliberate defrauding of the FAA in order to put an unsafe plane into service at the lowest possible cost and without the necessary safety standards and critical pilot training. The Boeing Company is the reason why [REDACTED] is not alive today, and it is for this reason that [REDACTED] family and I reject the NPA.

Our lawyers have set out seven legal reasons why the families object to the NPA, all of which we support. We have endured six painfully long years of unimaginable torment and suffering, battling a Department of Justice intent on allowing The Boeing Company evade any meaningful accountability for the deaths of the 346 victims and the grief and suffering of their families and loved ones that have been left behind. We've sat through sham conferrals, where the representatives of the Department of Justice couldn't even summarize the key points made by the families, the same key points they claim they considered before reaching decisions that were entirely contradictory to the families wishes. And we are suffering through the latest row-back by the Department of Justice as it moves to dismiss the criminal charge entirely and undo all the progress we have fought so hard to achieve.

When I addressed the court in Texas I said that the DPA was not justice for [REDACTED] or the other victims, that it was tolerance, acceptance, and in many ways endorsement of the evils of greed, power, influence and control that prevail throughout The Boeing Company. These same evils that are eroding our values, dividing our societies, exploiting our planet, and making the world a sadder and more desperate place. This NPA is worse.

I said that we, the victims, look to the Justice System to protect us, and we ask the Members that serve in that vital institution to stand for us, where we cannot stand, to speak for us when we cannot speak, and to act for us when we cannot act. We need those voices now more than ever.

And so, in [REDACTED]'s memory, her family and I reject this NPA agreed between the Department of Justice and The Boeing Company and all that it stands for.

[REDACTED]  
Partner of [REDACTED]

Dear Ms Laryea,

My name is David Moore, brother of Danielle Moore who lost her life on Ethiopian Airlines flight ET302. As a statutory crime-victim family member, I firmly object to the Non-Prosecution Agreement (NPA) between the Department of Justice and Boeing. This is not in the interest of the families nor the flying public. It baffles me that there has been no punishment for this crime. The statement of facts in the Deferred Prosecution Agreement, which Boeing has agreed is true, shows that the FAA and Boeing personnel knew what was wrong with the 737 Max 8 after the Lion Air JT610 crash. This section of the statement of facts is exceptionally slim although it is the most crucial part. At this point it's not just two technical pilots– Boeing senior program managers and FAA officials knew that there was a critical issue that would cause another plane crash. But yet, why did they allow the plane to keep flying?

There is no excuse for the negligence at play here. The ET302 crash is a different case from the first crash. It is clear, beyond a reasonable doubt, that people knew that there was something catastrophically wrong with the 737 Max 8 line of planes after the Lion Air crash. There is evidence of people discussing the issue and sitting on their hands while the flying public's lives continued to be at risk. Despite being witness to 189 people dying in the Lion Air crash, decision makers decided to do nothing about it because it would hurt their bottom line. This is a greed issue. This is big business running wild and knowing that they won't get punished.

346 lives were lost. No one is in jail. There has been no criminal trial. The facts need to come to light. Why were decision makers okay with letting this plane continue to fly despite the likelihood of another crash? Who were these people? Were there no objections? These facts need to surface. People are trading lives for dollars and this isn't justice. The people need the truth. My sister's soul and 345 others need the truth. I need the truth. I beg you – no deals, no NPA. Let's bring everything to light and look at what decisions led to such a grave catastrophe.

I respectfully ask the Court to reject the NPA, set the matter for public trial, and order full disclosure of all relevant discovery.

Sincerely,

David Moore

Lorinda Laryea,  
U.S. Department of Justice  
Acting Chief of the Fraud Section  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001



[REDACTED],  
Toronto, ON, M1P 3L3  
June 19, 2025

**Re: Response to the DoJ's Motion to Dismiss**

Dear Lorinda Laryea:

We did not take the opportunity to express our objection to the implementation of an NPA after the last 'conferral' meeting with the DoJ, because a) Paul Cassel's letter carries our objection and b) your Unit has left us discouraged with your continued dismissal of victims' exhortation to try Boeing criminally. This was explained in the email to you sent May 23, 2025.

In that email, it was noted that: We, as grieving family members need to know the full truth and it is critical for this declaration to be made public. Transparency is imperative to the establishment of truth. Truth is a precursor to accountability. Together, these underpin the foundation of Justice. The DoJ selected only one thread of facts that Boeing provided to you – the one that they wanted you to hear: that a rogue technical pilot managed to wrest the controls from the executives and management at Boeing, the USA's biggest exporter and commercial entity; of course, the jury didn't buy it.

In the three years since the murder of Danielle, the three CEOs that have been backed by Boeing's board had direct knowledge of the problems with MCAS after the first crash. How can the US safeguard public safety if the DoJ will not hold someone to account for the death of 346 lives?

It's in the public interest to try Boeing. The DPA watered down Boeing's accountability to a warning with a fine that equates to 2 ½ B737 MAX planes. After breaching the agreement, one would expect harsher punishment, but the plea bargain proposal and the NPA from your Unit that the court has accepted threw more water on Boeing's accountability. Swilling crimes for the rich and powerful absolves them from accountability. Do white collar criminals ever have skin in the game? Boeing [executives](#) are still making money hand over fist since their failed gamble and a broken agreement; your DPA did not work.

Secondly, a criminal trial would send a signal to **any** corporate board or CEO of any company that manufactures potentially lethal products that safety must be the number one priority. It would deter this type of white-collar crime – isn't this an objective of the DoJ? Whereas finance-based crimes may be workable in a DPA and perhaps NPA, death that results from a commission of a crime must have some sanctity; there must be personal accountability for the deadliest corporate crime in America.

Thirdly, what message are you sending to our engineering, business and law students? A Non-Prosecution Agreement sets a very low bar for accountability especially for the murder of 346 people. You have tried to gaslight us into believing that there is not enough evidence to hold the executives accountable for just the fraud charge. However, the House of Representatives in their [Final Report](#) exposed just **some** of the evidence **they** had, and it all pointed to one conclusion: the design and certification of the MCAS was fraudulent. The game of 'hiding the MCAS' was a team effort; it **was** systemic. Boeing CEO confession of criminal responsibility notwithstanding, if there is one case in America where 'the burden of proof... beyond a reasonable doubt' is sound, it is the Boeing 737 Max case (and door plug blowout to boot). There were individuals responsible for these deaths and they should be held to account.

An NPA will greenlight similar tactics for our future captains of industry. Why? Because the DoJ has shown the public that the powerful can buy their way out of any charges; they can game the system. If they get caught, the paltry fine they pay is insignificant to the gains made. This is worse than the objections to DEI; it gives a leg up to those who do not need it. It is more than disconcerting that the government does not even put effort into trying those responsible. It appears that your efforts are in trying to quell our demand for individual accountability and justice.

We emphatically object to the Non-Prosecution Agreement for the reasons outlined above and for numerous other factors that I'm willing to expand upon at future 'conferral' meetings. We implore you to bring some meaning to the word 'justice'.

Sincerely,

The Moore Family, [David Clariss and Chris]

CC: P. Cassell, T. Brammeier, J. Thyken



Lorinda Laryea, Acting Chief of the Fraud Section

June 23, 2025

Dear Ms. Laryea:

I object to the Department of Justice dismissing the criminal case against Boeing.

Three hundred forty-six people died at the hands of Boeing in their two flawed Max planes. My brother was one of the victims on the second plane, a crash that Boeing knew could happen, days after the Seattle Times reported on the flawed software on their value-engineered plane.

Statistics tell that at least nine people experience significant bereavement when someone dies. That is over three thousand people Boeing has affected, and the vast majority of them do not see any of the blood money Boeing pays out instead of being held responsible for their crime.

And now there are more bodies, 241 on Air India and at least thirty on the ground. "At least" is a euphemism for the gruesome task of recovering the bodies Boeing leaves behind. Boeing board members and executives should have to participate in the recovery process. They would make different choices if they had to see the dismembered bodies of their victims.

This will never be over, as every plane that flies overhead is a threat, a reminder, a flying coffin to any one of the tens of thousands of people who lost someone to Boeing's focus on profit over safety. Allowing Boeing to buy their way out is not only a travesty of justice to all those who lost their lives, but it also reinforces the same financial machine that fosters the toxic corporate culture that puts stock prices above all else. What would Boeing's P/E ratio be if they had to factor in a body count? As the stock market does not hold Boeing accountable, we can only appeal to the Department of Justice and the court to hold a United States company responsible when they kill people with their products. I ask for justice for both the victims and the future safety of the flying public.

You never think it will happen to you until it does, so please try to picture your family as part of the "flying public." Because they are. Brother, child, mother, entire family, mass graves of greed and callousness. Please don't let Boeing continue with business as usual. History is watching.

Sincerely,

A solid black rectangular box used to redact a signature.

June 24, 2025

Dear Ms. Lorinda,

My name is Clariss Moore and the mother of Danielle Moore who was killed in a Boeing 737 Max 8 crashed in Ethiopian Airline Flight ET302; she was 24 years old and had so much more life to live. The crash that killed her was only 5 months after the crash of Flight JT 610 – another Boeing MAX plane. Danielle was on her way to Nairobi Kenya as one of Canada Youth Delegates representing Canada in the United Nations Environmental Assembly. I am compelled to speak out because of the sweetheart deal you are giving Boeing. Since her murder on March 10, 2019, our lives have been forever changed and shattered.

This is the deadliest Corporate Crimes in American History, killing 346 innocent lives and destroying thousands of other lives of their families. Boeing executives who knew of the crime and minimization of MCAS authority have not been indicted for their hideous crime. Instead, they were given immunity through the DPA and rewarded with huge compensation by Boeing. Without trying those who should be held accountable, corporate greed of Boeing will continue, and the lives of the flying public will always be at risk.

It's unconscionable that the certification anomalies were evident 5 months prior to the second crash; but Boeing blamed the pilots. As a statutory crime victim, I strongly object to this NPA -Non-Prosecutor Agreement deal. How could DOJ state this NPA deal is in the best interest of everyone involved when justice is not served; you continue to protect the criminals. We, the victims, and the 346 souls deserve protection and the truth. I urge you to bring Boeing and its CEOs to trial, let the Truth come to light, let my daughter's soul and the soul of the 345 innocent victims have the justice they deserve.

Allowing money and power to influence justice only perpetuates devastating outcome and sadly, we continue to see criminals escape accountability. As a crime victim's family, I believe it's crucial for Boeing and its individual CEOs responsible to face us in court, in a criminal trial, for the truth to come to light, to hold Boeing executives accountable and for justice to be served.

March 10, 2019, will forever be etched in our heart and souls the day Boeing killed my daughter. We will never see our daughter ever again and the pain of living with this nightmare is overwhelming and the question will continue to haunt me every day and night.

"Did she call for me, for us? Did she cry for us? Did she know it was her last breath here on earth. She must have been so terrified."

The public deserves the truth, and I need to hear it. Who killed my daughter? I am imploring you, No deals- No Leniency-No NPA. Its time to put an end to this cycle of injustice. I earnestly beg you to find it in your heart to give our loved ones the justice they so rightfully deserve. Danielle and the 345 souls lost deserve nothing less than the truth and accountability. Justice for them is justice for us and it's the only way for us to begin healing.

Sincerely,

Clariss Moore

Mother of Danielle Moore

B-34A, LGF, Greater Kailash, Part-I,  
New Delhi-110 048  
Ph.: +91-11-4661-2104/2105



466, Lawyer's Chambers  
Delhi High Court, New Delhi-110 003

**Yakesh Anand**

Advocate  
Supreme Court of India  
+91-9810004397, +91-9310004397  
office@anandandassociates.co.in  
yakeshanand@gmail.com

# ANAND & ASSOCIATES

## ADVOCATES AND LEGAL ADVISORS

Dated : 24.06.2025

1. Ms. Lorinda Laryea  
Acting Chief of the Fraud Section  
U.S. Department of Justice,  
Criminal Division,  
Washington DC 20530.  
Email ID: [victimassistance.Fraud@CRM.USDOJ.GOV](mailto:victimassistance.Fraud@CRM.USDOJ.GOV).
2. Mr. Sean P. Tonolli  
Senior Deputy Chief,  
Fraud Section,  
U.S. Department of Justice,  
Criminal Division,  
Washington, DC 20530  
Email ID: [victimassistance.fraud@usdoj.gov](mailto:victimassistance.fraud@usdoj.gov)

**Re: Objections to the Governments motion.**

Good morning Ms. Lorinda Laryea & Mr. Sean P. Tonolli,

1. My name is Yakesh Anand. I am an Attorney practicing in the Supreme Court of India at New Delhi.
2. My client is the wife of Late Mr. Bhavye Suneja, who was the pilot of the Lion Air Flight J T 610 that crashed into the Java Sea on 29.10.2018 off the coast of Indonesia shortly after take off. Mr. Bhavye Suneja was an Indian Citizen, who was working with Lion Air in Indonesia.
3. I had been representing Ms. Garima Sethi as a Co-counsel along with a U.S. Counsel in some other legal proceedings in U.S.A.
4. In two Boeing 737 MAX crashes, 346 passengers and crew died. The U.S. Department of Justice, Criminal Division, has filed criminal charges against

B-34A, LGF, Greater Kailash, Part-I,  
New Delhi-110 048  
Ph.: +91-11-4661-2104/2105

466, Lawyer's Chambers  
Delhi High Court, New Delhi-110 003



**Yakesh Anand**

Advocate  
Supreme Court of India  
+91-9810004397, +91-9310004397  
office@anandandassociates.co.in  
yakeshanand@gmail.com


# ANAND & ASSOCIATES

## ADVOCATES AND LEGAL ADVISORS

Boeing in a case titled as **United States of America Vs. The Boeing Company, Case No. / Court Docket 4:21-CR-00005-0 (N.D. Tex.)** which are under adjudication before the court of United States District Court for the Northern District of Texas Fort Worth Division.

5. Large number of victims families are being represented before the Hon'ble Court by large number of counsels. My client is also a crime victim and is entitled to participate in the legal proceedings pending before the Hon'ble Court of Northern District of Texas Fort Worth Division.
6. A criminal conspiracy charge against Boeing has been filed in the federal court, all crime victims have certain rights, including right to be heard at court hearing and to present her case, pleadings and legal submissions. It is surprising and against Principles of Natural Justice, that the Government and Boeing are entering into a non-prosecution Agreement (NPA) and Government intends to file a motion to dismiss. I am informed that the Government and Boeing have agreed not to even wait for the court's ruling on a pending motion. My client intends to challenge the Boeing DPA. My client is therefore, opposed to the DOJ's motion to dismiss.
7. My client, though not presently represented by a U.S. Counsel in the legal proceedings in the Case No. 4:21-cr-00005-O, I for and on behalf of my client submit that she fully supports the objections and opposition filed by Mr. Paul G. Cassell, Ms. Tracy A. Brammeier, Mr. Erin R. Applebaum, Mr. Pablo Rojas, Mr. Warren T. Burns, Mr. Darren P. Nicholson, Mr. Chase Hilton and Mr. Sanjiv N. Singh (Attorneys for Victims Representatives) for and on behalf of large number of victims and their families before the Hon'ble Court.

Sincerely,

  
[YAKESH ANAND]



To: Prof. Larinda Laryea  
Acting Chief, Fraud Section  
Department of Justice, U.S.A.

Dear Professor Laryea,

I am writing to very strongly oppose dismissal of the charges against Boeing and entering in the non-prosecution agreement (NPA). I am not a legal expert, so I delegate to the experts to weigh in on the legal aspects of the NPA.

I am writing as a brother sorely missing one of the people who died in ET 302 and as a proud American who believes in this country and in what it represents. Thanks for reading my statement.

Honestly, I find it profoundly distressing that our own DOJ entered a DPA with Boeing in the first place and now contemplates an even more consequential NPA. I love Boeing and wish for Boeing to bounce back and become the pride of our country once again. But for this to happen, Boeing must change, and Boeing must remember what they did wrong and work to fix their malaise. The DOJ is privileged to serve our country at the highest level: enforcing justice, educating all of us on legal matters, and it has the unique chance to show the world what it means to serve the common good.

Frankly, allowing the senior leaders of Boeing to escape their responsibilities prevented (unfortunately, predictably) Boeing from addressing its ongoing Engineering problems and its culture of greed which thrived under Boeing senior leadership. Professor Laryea, I cannot accept that those responsible for the two crashes, in particular the former Boeing CEO Dennis Muilenburg, could be allowed to escape criminal prosecution. It is impossible to understand, much less justify, why Boeing knew full well about MCAS after the Lion Air Crash (10/29/2018) and did nothing to prevent the second crash (3/10/2019), in which my brother was killed.

My brother, Paolo Dieci, was killed on flight ET 302 on March 10, 2019. He left his wife and two children, who continue to suffer, missing his love and counsel, and his death left a huge void in the international cooperation community and in our whole family. Ever since his teens, Paolo worked in international cooperation; at the time of his death, he was the President of an NGO that he helped build and that now operates in 30 different countries with 125 projects benefiting more than 2 million people. To me, he was especially a marvelous brother, very funny and fun, always attentive to the needs of everyone in the family. The very pain that we all feel to this day is not waning, in fact it is increasing, exacerbated by the knowledge that Paolo's untimely and senseless death

was so preventable, would never have happened, were it not for the greed, poverty of spirit, lack of regard for human life and shortsightedness of those in charge at Boeing, those who are now excused because of a very unjust NPA that the DOJ is striking with Boeing.

Dear Professor Laryea, I am a proud first generation American and have been in awe of the simplicity and fairness of our judicial system. Now I am feeling deeply betrayed by the travesty of justice that the NPA represents. Regardless of political inclination and no matter where and how it came about, the NPA is totally un-American, it is an egregious disservice to our civil society, and it taints the credibility of our judicial system. Those responsible for the deaths of 346 innocent people should be prosecuted. We have a responsibility to the country and to the world to get this right, and this means rejecting the NPA.

Professor Laryea, Paolo's death was no "accident", he was killed by a company whose leadership put profits over safety and consciously defrauded the United States Government, and all those around the world that trust us, that trust the FAA and the USA to be the leaders in airline safety and justice.

Thank you for considering my statement and for rejecting the NPA.

Respectfully,

*Luca Dieci*

Luca Dieci  
Professor of Mathematics  
Georgia Institute of Technology

Atlanta, GA – June 28, 2025



**From:** [Paul Cassell](#)  
**To:** [Victimassistance Fraud \(CRM\)](#)  
**Cc:** [Tracy A. Brammeier](#); [Erin R. Applebaum](#); [Chase Hilton](#); [Pablo Rojas](#)  
**Subject:** [EXTERNAL] RE: U.S. v. Boeing - forwarding letter received  
**Date:** Monday, June 30, 2025 3:31:00 PM  
**Attachments:** [Letter to Prof Paul Cassell -from \[REDACTED\].pdf](#)

---

Dear Victim-Witness Unit for the Fraud Section of the Criminal Division,

I recently received the attached letter asking for the U.S. v. Boeing case to be “put” to “a stop” by a Lion Air victim family representative not my client, but signed by two other representatives who have been my clients. I have currently pending before the Court an unopposed motion to withdraw from representation for these two persons.

In view of the foregoing, it seemed appropriate for me to forward this letter to you. My forwarding of this letter is without prejudice to my representation of or position of other family members, who oppose the pending motion to dismiss.

Paul Cassell, Counsel for Naoise Ryan et.

Paul G. Cassell

Ronald N. Boyce Presidential Professor of Criminal Law and University Distinguished Professor of Law

S.J. Quinney College of Law at the University of Utah

383 S. University St.

Salt Lake City, UT 84112-0730

Email = [cassellp@law.utah.edu](mailto:cassellp@law.utah.edu) Phone = (801) 585-5202 Fax = (801) 581-6897 (fax)

You can access his publications on [https://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=30160](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=30160)

CONFIDENTIAL: This electronic message - along with any/all attachments - is confidential. This message is intended only for the use of the addressee. If you are not the intended recipient, you may not use, distribute or copy this communication. If you have received this message in error, please immediately notify the sender by reply electronic mail and delete the original message. Professor Cassell is admitted to the Utah State Bar, but not the bars of other states. Any views he expresses in this email are solely his own.

Dear Professor PAUL CASSELL

We all would like to express our gratitude for all your assistance in bringing DOJ-Boeing case to this junction. At this point we all agree to put this case to a stop. We support the DOJ-Boeing agreement. As we would like to put this terrible event behind our families.

Your Sincerely

[REDACTED]

( [REDACTED] – Husband,  
[REDACTED] – Son)

[REDACTED]

( [REDACTED] – Husband)

[REDACTED]

( [REDACTED] – Brother, [REDACTED] – Niece)

[REDACTED]

( [REDACTED] – Daughter,  
[REDACTED] – Grandsons)

[REDACTED]

( [REDACTED] – Father)

[REDACTED]

( [REDACTED] – Sister)

[REDACTED]

Name : [REDACTED]  
( [REDACTED] – Daughter)

[REDACTED]

Name : [REDACTED]  
( [REDACTED] – Husband)

[REDACTED]

( [REDACTED] – Father)

[REDACTED]

( [REDACTED] – Husband)